

\$~9

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 1729/2017**

SARDAR KAMALJEET SINGH

..... Petitioner

Through: Ms.Shikha Shah, Advocate along with
petitioner in person.

versus

THE STATE (GOVT OF NCT OF DELHI) & ANR..... Respondents

Through: Ms.Kamna Vohra, ASC for State with SI
Santosh Kumar, PS Tilak Nagar, Delhi.

Mr.Gurbaksh Singh, Advocate along with
Mr.Anup Verma, Advocate for R-2 along with
respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

%

09.10.2017

1. Respondent No.2 appears in person and accepts notice. She is accompanied by her father. She is being represented by her counsel. She is duly identified by IO SI Santosh Kumar.
2. The petitioner has invoked the writ jurisdiction of this court under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short 'Cr.PC') for quashing of the FIR bearing No.0565/2016, registered against him on 30.06.2016 with Police Station Tilak Nagar, District West, Delhi, under Sections 498A/406/506 IPC on the complaint of respondent No.2.
3. The marriage of the petitioner with the respondent no. 2 was solemnized on 30.11.2013 as per Sikh rites and ceremonies in Delhi.

However, out of this wedlock, no child was born.

4. After solemnization of their marriage, the petitioner and the respondent no.2 started residing together in the matrimonial home. Due to some temperamental differences between the petitioner and the respondent no.2, they could not reconcile with each other. Resultantly, the respondent no.2 left the matrimonial home on 06.07.2014 and started residing separately.
5. The respondent No.2 lodged a complaint against the petitioner before the CAW Cell which culminated into the said FIR. She preferred a petition under Section 12 of The Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the 'DV Act') against the petitioner in the court of learned MM, Mahila Court, Tis Hazari Courts, Delhi.
6. On making a reference by the learned ASJ/FTC (e-court), West District, Tis Hazari Courts, Delhi on bail application No. 45210/2016 filed by the petitioner in the FIR in question, the parties appeared before Delhi Mediation Centre, Tis Hazari Courts, Delhi. On 29.08.2016, the parties had amicably resolved and settled all their disputes before the learned Mediator. By this settlement, the petitioner and the respondent no. 2 had decided to part company of each other and obtain a decree of divorce by mutual consent. The petitioner had agreed to pay a total sum of Rs.12,25,000/- to the respondent no. 2 in full and final settlement of her all claims, which includes maintenance and costs of dowry and *stridhan* articles. The respondent no. 2 had agreed to withdraw her petition filed under Section 12 of DV Act.

7. The respondent No.2 states that she had voluntarily settled and resolved her all disputes with the petitioner without any force and coercion.
8. It is submitted that a sum of Rs.2,00,000/- was paid by the petitioner to the respondent no. 2 on 15.09.2016 at the time of disposal of his bail application. At the time of recording the statement of the parties in the first motion petition, further a sum of Rs.2,00,000/- was paid by the petitioner to the respondent No.2. At the time of recording the statement of the parties in the second motion petition, Rs.4,00,000/- was paid by the petitioner to the respondent No.2. A decree of divorce by mutual consent was granted on 05.04.2017 by the court of learned Principal Judge, Family Court, Tis Hazari Court, Delhi, by which the marriage between the petitioner and the respondent no.2 was dissolved. The respondent no. 2 submits that she had received a sum of Rs.2,25,000/- from the petitioner at the time of withdrawal of her petition under Section 12 of DV Act. She further submits that she had received the balance amount of Rs.2,00,000/- from the petitioner by way of Demand Draft on 31.05.2017.
9. The respondent No.2 submits that she has received the entire settlement amount from the petitioner. She submits that she does not want to pursue the said FIR. She submits that the said FIR may be quashed.
10. Learned ASC through the IO submits that the charge sheet has so far not been filed.
11. Both the parties submit that now nothing is due and recoverable by them against each other. Since the parties have amicably settled their

all disputes, no fruitful purpose would be served in further pursuing the said FIR. Hence, to secure ends of justice, the FIR bearing No.0565/2016, registered on 30.06.2016 with Police Station Tilak Nagar, District West, Delhi, under Sections 498A/406/506 IPC and proceedings arising out of the said FIR are hereby quashed.

12. The petition is disposed of accordingly.
13. *DASTI.*

VINOD GOEL, J.

OCTOBER 09, 2017
"shailendra"