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

+ W.P.(CRL) 1745/2017

NITIN GANDHI & ORS

..... Petitioners

Through: Mr.Ajay Fatyal, Advocate along with
petitioners in person.

versus

STATE & ANR

..... Respondents

Through: Ms.Kamna Vohra, ASC for State with SI
Govind Singh, PS Uttam Nagar, Delhi.

Mr.Girish Kumar, Advocate for R-2 along with
respondent no. 2.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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21.09.2017

1. Status report has been filed.
2. Respondent no.2 is present in court. She is being represented by her counsel. She is duly identified by IO SI Govind Singh.
3. The petitioners have invoked the writ jurisdiction of this court under Article 226/227 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.257/2016, registered against them on 07.03.2016 with Police Station Uttam Nagar, West District, Delhi, under Sections 498-A/406 IPC on the complaint of respondent No.2.

4. The marriage of the petitioner no.1 with the respondent no. 2 was solemnized on 23.11.2012 as per Hindu rites and ceremonies in New Delhi. Out of this wedlock, one male child namely Priyansh Gandhi was born on 07.09.2013.
5. After solemnization of their marriage, the petitioner no. 1 and the respondent no. 2 started residing together in the matrimonial home. Due to some temperamental differences between the petitioner no. 1 and the respondent no. 2, they could not reconcile with each other. Resultantly, the respondent no.2 left the matrimonial home along with her child on 05.10.2015 and started residing with her parents.
6. The respondent no. 2 lodged a complaint with CAW Cell which culminated into the said FIR. The respondent No.2 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 petitioners in the court of learned MM, Mahila Court, Tis Hazari Courts, Delhi. She also filed a petition u/s 125 of Cr.P.C. for maintenance against the petitioner No.1 before the learned Principal Judge, Family Courts, Tis Hazari, Delhi.
7. The petitioner no. 1 had filed a petition under Section 13 (1) (ia) of Hindu Marriage Act, 1955 (in short 'HMA') for divorce on the ground of cruelty against the respondent no. 2. The respondent no. 2 had also filed a petition/application under Section 24 of HMA for maintenance before learned Presiding Judge, Family Court, Delhi.
8. Petitioner no. 2 and 3 had also filed a civil suit against the respondent no. 2 in the court of learned Senior Civil Judge, Tis Hazari Courts, Delhi on 17.08.2016.

9. On making a reference by the Court of learned ASJ (West), Tis Hazari, Delhi in the bail applications bearing No. 3276, 3196, 3197 and 3277 filed by the petitioners, the parties appeared before the Delhi Mediation Centre, Tis Hazari Courts, Delhi. On 02.07.2016, the petitioner no.1 and respondent no.2 had resolved and settled all their disputes. By this settlement, the petitioner no. 1 and the respondent no. 2 had decided to part company of each other by obtaining a decree of divorce by mutual consent. The petitioner no. 1 had agreed to pay a total sum of Rs.16,00,000/- to the respondent no.2 in full and final settlement of all her claims including her maintenance and that of their minor child and cost of dowry/*stridhan* articles. The parties had agreed to withdraw their respective litigations pending before different courts. It is also agreed that the minor child shall remain in the custody of respondent no. 2. It is further agreed that the petitioner shall not have any right of visitation. The respondent no. 2 submits that she had voluntarily settled all her disputes with the petitioners without any force and coercion.
10. Pursuant to this settlement, Rs.2,00,000/- was paid by the petitioner no.1 to the respondent no.2 at the time of granting bail to the petitioners on 13.07.2016. At the time of recording the statement of the parties in the first motion petition, a sum of Rs.4,50,000/- was further paid by the petitioner no.1 to the respondent no. 2. Further, a sum of Rs.4,50,000/- was paid by the petitioner No.1 to the respondent No.2 at the time of recording their statement in the second motion petition. A decree of divorce by mutual consent was granted on 22.05.2017 by the court of learned Principal Judge, Family Court,

Tis Hazari, Delhi, by which the marriage between the petitioner no. 1 and the respondent no.2 was dissolved.

11. The respondent no. 2 submits that she had withdrawn all her petitions. The petitioner no. 1 submits that he had withdrawn his petition for divorce. Petitioner no. 2 and 3 also submit that they had withdrawn their civil suit filed against the respondent no.2.
12. Today, the petitioner No.1 has paid the balance settlement amount of Rs.5,00,000/- by way of 04 Demand Drafts bearing No. 508947 dated 12.09.2017 for Rs.50,000/-, No. 508897 dated 30.09.2017 for Rs.1,50,000/-, No.509195 dated 14.09.2017 for Rs.1,50,000/- and No.509207 dated 16.09.2017 for Rs.1,50,000/-, all issued by ICICI Bank, Patel Nagar Branch, Delhi, in favour of respondent No.2, which have been accepted by her. She submits that she has received the entire settlement amount from the petitioner No.1. She submits that she does not want to pursue the said FIR. She submits that the said FIR may be quashed.
13. Learned ASC through IO submits that the charge sheet has so far not been filed.
14. Both the parties submit that now nothing is due and recoverable by them against each other. Since the parties have amicably settled all their disputes, no fruitful purpose would be served in further pursuing the said FIR. Hence, to secure ends of justice, the FIR bearing No.257/2016, registered on 07.03.2016 with Police Station Uttam Nagar, West District, Delhi, under Sections 498-A/406 IPC and proceedings arising out of the said FIR are hereby quashed.
15. The petition is disposed of accordingly.

16. *DASTI.*

SEPTEMBER 21, 2017
"shailendra"

VINOD GOEL, J.