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

+ **W.P.(CRL) 1986/2017**

KAPIL MANCHANDA @ PRINCE & ORS Petitioners

Through: Mr. Atul Krishna, Advocate with
Mr.Rajesh Kumar, Advocates along with
petitioners in person.

versus

STATE & ANR Respondents

Through: Mr.R.S. Kundu, ASC for State with
Mr.Peeyush Bhatia, Advocate along with W/ASI
Krishna, PS Vikas Puri, Delhi.

Mr. Akhil Mittal, Advocate with Ms.Rachna
Maheshwari, Advocate for respondent no. 2 along
with respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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26.07.2017

Crl.M.A. 11064/2017 & 11065/2017 (exemption)

Exemptions allowed subject to all just exceptions.

Applications are disposed of.

W.P. (Crl.) 1986/2017

1. Notice. Learned ASC, who appears on an advance copy, accepts notice.
2. Notice to respondent no. 2 also. She appears in person with counsel and is duly identified by the IO W/ASI Krishna.
3. The petitioners have 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. 889/2015, registered on 19.09.2015 with PS Vikas Puri, Delhi, under Section 498A/406/506/34 IPC.

4. The marriage of the petitioner no. 1 and the respondent no. 2 was solemnized on 15.02.2014 as per Hindu rites and ceremonies in Delhi. However, no issue out of the said wedlock was born.
5. The petitioner no. 3 and 4 are the parents of petitioner no. 1, petitioner no. 4 and 5 are the married sisters of the petitioner no.1.
6. After solemnization of marriage, the petitioner no. 1 and the respondent no. 2 started residing at 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 on 23.05.2015 and she started living with her parents.
7. The respondent no. 2 lodged a complaint with the police, which culminated into FIR No. 889/2015 on 19.09.2015 under Section 498A/406/506/34 of IPC with PS Vikas Puri, Delhi. She has also filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short 'DV Act') before the court of Ld. MM, Mahila Court (West), Tis Hazari Courts, Delhi.
8. However, on 13.01.2016, the parties have amicably resolved all their disputes before the learned Mediator, Delhi Mediation Centre, Tis Hazari Courts, Delhi. As per the settlement, the petitioner no. 1 and the respondent no. 2 have agreed to part with the company of each other and obtain a decree of divorce by mutual consent. It has also

been settled that the petitioner no. 1 shall pay Rs.14,50,000/- to the respondent no. 2 in full and final settlement of all her claims including the maintenance and cost of dowry articles. The respondent no. 2 has also agreed to withdraw the above said petition i.e. under Section 12 of the DV Act.

9. Pursuant to the settlement arrived at between the parties before the learned Mediator, the respondent no.2 had withdrawn her petition filed under Section 12 of the DV Act from the court of Ld.MM-02, Mahila Court, West District, Tis Hazari Courts, Delhi on 06.04.2017.
10. While recording the statement of the parties in the first motion petition, the petitioner no. 1 had paid a sum of Rs.5,00,000/- to the respondent no. 2 on 26.07.2016 by Pay order. At the time of recording the statement of the parties in the second motion on 01.03.2017, further a sum of Rs.2,50,000/- was paid by the petitioner no. 1 to the respondent no. 2 by Pay order. On 01.03.2017, a decree of divorce by mutual consent was passed by the court of Ld. Additional Principal Judge, Family Court, Delhi dissolving the marriage between the petitioner no. 1 and the respondent no.2. It is informed that a sum of Rs.4,50,000/- was paid by the petitioner no. 1 to the respondent no. 2 on 13.01.2016 itself at the time of recording the settlement before the learned Mediator.
11. Today, as per the settlement between the parties, the petitioner no. 1 has delivered a Pay order bearing no. 165671 dated 20.05.2017 for Rs.2,50,000/- issued by State Bank of India, Vishwas Nagar Branch, Delhi to the respondent no. 2, being the balance settlement amount. Copy of the Pay order is placed on record. Respondent No.2 has

accepted the same. She confirms having received the entire settlement amount of Rs.14,50,000/- from the petitioner no. 1.

12. The respondent no. 2 who appears with her counsel and has been duly identified by the IO, confirms that she had willingly settled the matter with the petitioners without any force or coercion and does not want to pursue her FIR. She submits that FIR may be quashed.
13. IO through the ASC submits that the charge-sheet has not been filed as the parties have amicably arrived at the settlement.
14. Both the parties submit that now nothing is due and recoverable by them against each other. The matter has been amicably settled between the parties and no purpose would be served in further pursuing with the FIR bearing No. 889/2015, registered on 19.09.2015 with PS Vikas Puri, Delhi, under Section 498A/406/506/34 IPC. Hence, to secure ends of justice, the FIR bearing No. 889/2015, registered on 19.09.2015 with PS Vikas Puri, Delhi, under Section 498A/406/506/34 IPC and proceedings arising out of the same are hereby quashed.
15. The petition is disposed of.

VINOD GOEL, J.

JULY 26, 2017
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