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

+ **W.P.(CRL) 2122/2017**

VINOD GARG & ORS

..... Petitioner

Through: Mr.Gurvinder Singh, Advocate along
with petitioner no. 1 and 4 in person.

versus

STATE OF NCT OF DELHI & ANR

..... Respondent

Through: Mr.Amit Chadha, APP for Mr.Rahul
Mehra, Standing Counsel for the State along with
SI Sudhir Rathi, PS Subhash Place, Delhi.
Mr.Kamal Jindal, Advocate for R-2 along with
respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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01.08.2017

1. Amended memo of parties has been filed, which is taken on record.
2. 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. 1203/2015, registered on the complaint of respondent No.2 on 28.12.2015 with Police Station Subhash Place, Delhi, under Sections 498A/406/34 IPC.
3. The marriage of the petitioner no. 1 and the respondent no. 2 was solemnized on 11.02.2008 as per Hindu rites and ceremonies at Ashirwad Banquet Hall, Palwal, Haryana. However, no issue out of the said wedlock was born.

4. The petitioners no. 2 and 3 are the parents of petitioner no.1, petitioner no. 4 is the brother of petitioner no. 1, petitioner no. 5 is the wife of petitioner no. 4 and petitioner no. 6 to 9 are the married sisters of the petitioner no.1.
5. 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 05.10.2014 and started living with her parents.
6. The respondent no. 2 lodged a complaint with CAW Cell, which culminated into FIR bearing No. 1203/2015, dated 28.12.2015 Police Station Subhash Place, Delhi, under Sections 498A/406/34 IPC against the petitioners. She had filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short 'DV Act') before the court of learned MM, Mahila Court, Delhi. She also filed a petition under Section 125 of Cr.PC for maintenance against the petitioner no.1 before Principal Judge, Family Court, Delhi.
7. Learned ASC through the IO submits that the charge sheet in the matter has so far not been filed since the matter is still under investigation.
8. The parties have amicably settled all their disputes on 16.08.2016. By this settlement, the parties have decided to part 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 a total sum of Rs.4,25,000/- 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 had also agreed to withdraw both her petitions.

9. Pursuant to this settlement, the respondent no. 2, who is present in court, states that she had received Rs.25,000/- from the petitioner no.1 on 24.08.2016. She further submits that at the time of recording the statement of the parties in the first motion, a sum of Rs.1,00,000/- was paid to her by the petitioner no. 1 by demand draft. She states that further a sum of Rs.1,00,000/- was paid to her by the petitioner no. 1 at the time of recording the statement of the parties in the second motion petition by Demand Draft. She further submits that she had received a further sum of Rs.1,00,000/- from the petitioner No.1 at the time of withdrawal of both the petitions under Section 12 of DV Act and Section 125 of Cr.PC. A decree of divorce by mutual consent was passed on 05.05.2017 by the court of Ld. Principal Judge, Family Court, Delhi and the marriage between the petitioner no. 1 and the respondent no.2 was dissolved. Copy of the decree is filed now in the court which is taken on record.
10. Today, the petitioner no. 1 has delivered a Demand Draft bearing no. 590289 dated 08.05.2017 for Rs.1,00,000/- issued by Punjab National Bank, Palwal, Haryana, to the respondent no. 2, being the balance settlement amount. Its copy is placed on record. Respondent No.2 has accepted the same. She confirms having received the entire settlement amount of Rs.4,25,000/- from the petitioner no. 1.
11. The respondent no. 2 confirms that she has willingly settled the matter with the petitioners without any force or coercion. She submits that she does not want to pursue the said FIR. She submits that the said FIR may be quashed.

12. 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. 1203/2015, dated 28.12.2015, Police Station Subhash Place, Delhi, under Sections 498A/406/34 IPC. Hence, to secure ends of justice, the FIR bearing No. 1203/2015, dated 28.12.2015, Police Station Subhash Place, Delhi, under Sections 498A/406/34 IPC and proceedings arising out of the same are hereby quashed.
13. The petition is disposed of.

VINOD GOEL, J.

AUGUST 01, 2017

"shailendra"