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

+ **W.P.(CRL) 2212/2017**

MUKESH KUMAR & ORS

..... Petitioner

Through: Mr. Girish Kumar, Advocate.

versus

STATE (NCT OF DELHI) & ANR

..... Respondent

Through: Ms.Megha Bahl, Advocate for Mr.Avi Singh, ASC for the State along with ASI Devender Kumar, PS Uttam Nagar, Delhi.
Respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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04.08.2017

1. Notice. Learned ASC, who appears on an advance copy, accepts notice for the State.
2. Notice to respondent no. 2 also. She is present and accepts the notice. She is duly identified by the IO.
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. 0128/2016, registered on the complaint of respondent No.2 on 06.02.2016 with Police Station Uttam Nagar, Delhi, under Sections 498A/406 IPC.
4. The marriage of the petitioner no. 1 and the respondent no. 2 was solemnized on 14.04.2011 as per Hindu rites and ceremonies at Uttam

Nagar, New Delhi. However, no issue out of the said wedlock was born.

5. The petitioners no. 2, 4 and 6 are the brothers of the petitioner no. 1, petitioner no. 3 is the wife of petitioner no. 2, petitioner no. 5 is the wife of petitioner no. 4 and petitioner no. 7 is the wife of petitioner no. 6.
6. After solemnization of their marriage, the petitioner no. 1 and the respondent no. 2 started residing with each other 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 on 26.12.2011 and started living with her parents.
7. The respondent no. 2 lodged a complaint, which culminated into FIR bearing No. 0128/2016, registered on 06.02.2016 with Police Station Uttam Nagar, Delhi, under Sections 498A/406 IPC against the petitioners.
8. 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.
9. The parties have amicably resolved all their disputes on 21.10.2016. A Memorandum of Understanding was reduced to writing. By way of the settlement, the petitioner no. 1 and the respondent no. 2 have decided to part company of each other and obtain a decree of divorce by mutual consent. It had also been settled that the petitioner no. 1 shall pay a total sum of Rs.1,50,000/- to the respondent no. 2 in full and final settlement of all her claims including the maintenance, cost

of dowry articles and permanent alimony.

10. Pursuant to this settlement, a sum of Rs.1,00,000/- was paid to the respondent no. 2 by the petitioner no. 1 at the time of settlement between the parties on 21.10.2016 by cash. At the time of recording the statement of the parties in the second motion petition, a sum of Rs.30,000/- was paid on 23.05.2017 by the petitioner no. 1 to the respondent no. 2. A decree of divorce by mutual consent was passed on 23.05.2017 by the court of Ld. Principal Judge, Family Court, South West District, Delhi, by which the marriage between the petitioner no. 1 and the respondent no.2 was dissolved.
11. Today, the petitioner no. 1 has paid Rs.20,000/- by cash to the respondent no. 2, being the balance settlement amount. Respondent No.2 has accepted the same. She confirms having received the entire settlement amount of Rs.1,50,000/- from the petitioner no. 1.
12. The respondent no. 2 submits that she had 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.
13. 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. 0128/2016, registered on the complaint of respondent No.2 on 06.02.2016 with Police Station Uttam Nagar, Delhi, under Sections 498A/406 IPC. Hence, to secure ends of justice, the FIR bearing No. 0128/2016, registered on the complaint of respondent No.2 on 06.02.2016 with Police Station

Uttam Nagar, Delhi, under Sections 498A/406 IPC and proceedings arising out of the same are hereby quashed.

14. The petition is disposed of.

VINOD GOEL, J.

AUGUST 04, 2017

“shailendra”