

\$~41

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

+ W.P.(CRL) 2130/2017

RICKY KANE & ORS

..... Petitioners

Through: Mr. S.D. Pushkar, Advocate along with
petitioners in person.

versus

STATE & ANR

..... Respondents

Through: Mr. Peeyush Bhatia, Adv. for Mr. R.S.
Kundu, ASC for the State with ASI Sanjeev
Kumar, PS K. Puram.

Ms. Rajshri, Advocate for R-2 along with
respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **27.07.2017**

1. Notice. Learned counsel for the State, 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 ASI Sajeew Kumar.
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. 684/2015, registered on 24.09.2015 with Police Station Keshav Puram, North West, Delhi, under Sections 498A/406/34 IPC.
4. The marriage of the petitioner no. 1 and the respondent no. 2 was

solemnized on 24.02.2014 as per Hindu rites and ceremonies in Delhi. However, no issue out of the said wedlock was born.

5. The petitioner no. 2 and 3 are the parents of petitioner no. 1.
6. 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 and she started living with her parents with effect from 8th February, 2015.
7. The respondent no. 2 lodged a complaint with CAW Cell, Peetam Pura, Delhi, which culminated into FIR No. 684/2015, registered on 24.09.2015 with Police Station Keshav Puram, North West, Delhi. Respondent no. 2 had 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 learned MM, Mahila Court, Rohini Court, Delhi. She also filed another petition under Section 125 of Cr.PC for maintenance against the petitioner no.1 before Principal Judge, Family Court, Delhi.
8. The parties have arrived at a settlement before the learned Mediator, Mediation Centre, Rohini District Courts, Delhi on 19.08.2016.
9. 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.9,00,000/- to the respondent no. 2 in full and final settlement of all her claims including the maintenance and cost of dowry articles. The respondent had also agreed to withdraw both the above said petitions i.e. under Section 12 of the DV Act and under Section 125 of Cr.PC.
10. Pursuant to this settlement, in first motion while recording the

statement of the parties, a sum of Rs.2,00,000/- was paid to the respondent no. 2 by the petitioner no. 1. Further a sum of Rs.4,00,000/- was paid to the respondent no. 2 by the petitioner no. 1 at the time of recording the statement of the parties in the second motion petition. On 01.05.2017, a decree of divorce by mutual consent was passed by the court of Ld. Judge, Family Court, Delhi dissolving the marriage between the petitioner no. 1 and the respondent no.2. The respondent no.2 submits that she had withdrawn her petition filed under Section 12 of the DV Act from the court of Ld.MM, Mahila Court, Delhi. Respondent no. 2 also submits that she had also withdrawn her petition under Section 125 of Cr.PC.

11. Today, as per the settlement between the parties, the petitioner no. 1 has delivered a Banker's Cheque bearing no. 457639 dated 06.05.2017 for Rs.3 lac issued by State Bank of India, New Delhi, to the respondent no. 2, being the balance settlement amount. Copy of the same is placed on record. Respondent No.2 has accepted the same. She confirms having received the entire settlement amount of Rs.9,00,000/- from the petitioner no. 1.
12. She confirms that she has willingly settled the matter with the petitioners without any force or coercion and she does not want to pursue her FIR. She submits that 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. 684/2015, registered on 24.09.2015 with Police Station Keshav Puram, North West, Delhi,

under Sections 498A/406/34 IPC. Hence, to secure ends of justice, the FIR bearing No. 684/2015, registered on 24.09.2015 with Police Station Keshav Puram, North West, Delhi, under Sections 498A/406/34 IPC and proceedings arising out of the same are hereby quashed.

14. The petition is disposed of.

VINOD GOEL, J.

JULY 27, 2017/jitender