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

+ W.P.(CRL) 2426/2017

AMIT TANWAR & ORS

..... Petitioners

Through Mr. Pankaj Tanwar, Advocate with
Mr.D.S. Tomar, Advocate and petitioners in
person.

versus

THE STATE NCT OF DELHI & ANR

..... Respondents

Through: Ms. Kamna Vohra, ASC, for the State
with SI Ravi Yadav, P.S. Kotla Mubarakpur, New
Delhi.

Mr. Munish Chhoker, Advocate for R-2 along with
respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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05.09.2017

1. Respondent no. 2 is present. She is being represented by her counsel.
She is duly identified by IO Ravi Yadav.
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.420 registered on 14.04.2015 against them with
Police Station Kotla Mubarakpur, South Delhi, under Sections
498A/406/34 IPC on the complaint of respondent No.2.
3. The marriage of the petitioner no.1 and the respondent no. 2 was

solemnized on 20.02.2011 as per Hindu rites and ceremonies. However, out of this wedlock no child was born.

4. 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 on 20.05.2011 and started residing separately.
5. The respondent no. 2 lodged a complaint with CAW Cell which culminated into said FIR against the petitioners. She had also filed a petition under Section 12 of The Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the 'DV Act').
6. On making reference by the learned Additional Sessions Judge on the application of the petitioner No.1 for grant of anticipatory bail, the parties appeared before the learned Mediator, Delhi Mediation Centre, Saket Court, New Delhi. They had resolved and settled their all disputes on 20.10.2015. By this settlement, the petitioner no. 1 and the respondent no. 2 had decided to part company of each other and obtain a decree of divorce by mutual consent. The petitioner no. 1 had agreed to pay a total sum of Rs.25,00,000/- to the respondent no.2 in full and final settlement of her all claims including the maintenance and cost of dowry/*stridhan* articles.
7. Pursuant to this settlement, at the time of recording the statement of the parties in the first motion petition, a sum of Rs.10,00,000/- was paid by the petitioner no. 1 to the respondent no. 2. Further, a sum of Rs.5,00,000/- was paid by the petitioner No.1 to the respondent No.2

at the time of recording of their statement in the second motion petition. A decree of divorce by mutual consent was awarded on 01.09.2016 by the court of learned Principal Judge, Family Courts, South East District, Saket, New Delhi by which the marriage between the petitioner no. 1 and the respondent no.2 was dissolved.

8. The respondent No.2 present in the court states that pursuant to the settlement she had withdrawn her both the petitions under Section 12 of the D.V. Act.
9. Today, the petitioner No.1 has paid the balance settlement amount of Rs.10,00,000/- vide two separate DD No. i) 000162 and ii) DD No.000163, both dated 21.07.2017 for Rs.5 lacs each, issued by Panjab National Bank, Delhi to respondent No.2. The respondent No.2 present in the court states that she had voluntarily settled and resolved all disputes with the petitioners without any force and coercion. She further submits that she has received the entire settlement amount from the petitioner No.1. She submits that she does not want to pursue the present FIR. She submits that the said FIR may be quashed.
10. Learned ASC through IO submits that the charge sheet has so far not been filed.
11. Both the parties submit that now nothing is due and recoverable by them against each other. The matter had been amicably settled between the parties and no purpose would be served in further pursuing the said FIR. Hence, to secure ends of justice, the FIR bearing No.420 registered on 14.04.2015 against the petitioners with Police Station Kotla Mubarakpur, South Delhi, under Sections

498A/406/34 IPC and proceedings arising out of the said FIR are hereby quashed.

12. The petition is disposed of accordingly.
13. DASTI.

VINOD GOEL, J.

SEPTEMBER 05, 2017
"sandeep"