

\$~43

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

+ **W.P.(CRL) 2134/2017**

MANISH MITTAL & ORS

..... Petitioners

Through: Mr. Kanwar Kochhar, Adv. with
Mr.Jujhar Singh, Adv. along with petitioners in
person.

versus

STATE & ANR

..... Respondents

Through: Mr.Rahul Mehra, Standing Counnsel, for
State with Mr.Jamal Akhtar, Adv. with SI
Jeetendra Kumar.
Mr.Rajesh Kumar, Adv. with respondent No.2 in
person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

%

27.07.2017

Crl.M.A. 11982/2017 (exemption)

Exemption allowed subject to all just exceptions.

Application is disposed of.

W.P.(CRL) 2134/2017

1. Notice. Learned Standing counsel, who appears on an advance copy, accepts notice.
2. Notice to respondent no. 2 also. She appears in person and is duly identified by the IO SI Jeetendra Kumar, Subhash Place.
3. The petitioners have invoked the writ jurisdiction of this court under Article 226/227 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. 177/2016, registered on 25.02.2016 with Police Station Subhash Place, Delhi, under Sections 498A/406/34 IPC.

4. The marriage of the petitioner no. 1 and the respondent no. 2 was solemnized on 30.04.2015 as per Hindu rites and ceremonies in Delhi. However, no issue out of the said wedlock was born.
5. The petitioner no. 2 is the mother of the petitioner no.1, petitioner no.3 is the sister of the petitioner no.1 and petitioner no.4 is the husband of the petitioner No.3.
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 07.07.2015.
7. The respondent no. 2 lodged the said FIR on 25.02.2016. 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, Rohini Court, Delhi. She also filed 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 16.11.2016.
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.14,00,000/- 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.6,00,000/- 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 05.07.2017, a decree of divorce by mutual consent was passed by the court of Ld. Principal Judge, Family Court, North West, Delhi and the marriage between the petitioner no. 1 and the respondent no.2 was dissolved. 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 the petition under Section 125 of Cr.PC.
11. Today, as per the settlement between the parties, the petitioner no. 1 has delivered a Demand Draft bearing no. 748818 dated 24.07.2017 for Rs.4 lacs issued by Punjab National Bank, 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.14,00,000/- from the petitioner no. 1.
12. The respondent no. 2 confirms that she has willingly settled the matter with the petitioners without any force or coercion and she does not want to pursue the said FIR. She submits that the 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. 177/2016, registered on 25.02.2016 with Police Station Subhash Place, Delhi, under Sections 498A/406/34 IPC. Hence, to secure ends of justice, the FIR bearing No. 177/2016, registered on 25.02.2016 with Police Station Subhash Place, 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