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

+ **W.P.(CRL) 2277/2017**

MANOJ KUMAR& ORS. Petitioners
Through **Ms.Amrit Pal Kaur, Advocate**

versus

STATE NCT OF DELHI & ANR. Respondents
Through **Mr. Richa Kapoor, ASC for State**
with WSI Renu, P.S. Delhi Cantt, Delhi
Respondent No.2 in person with Mr. Rajeev Sirohi
Advocate

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **10.08.2017**

1. Notice. Learned ASC accepts the notice.
2. Notice to respondent No.2 also. She is present and accepts the notice. She is duly identified by the IO WSI Renu.
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.169/2016, registered on 06.05.2016 with Police Station Delhi Cantt, under Sections 498A/406/34 IPC on the complaint of respondent No.2.
4. The marriage of the petitioner no. 1 and the respondent no. 2 was solemnized on 26.05.2013 as per Hindu rites and ceremonies at Sanatan Dharam Mandir, Delhi Cantt, New Delhi. Out of this

wedlock a male child namely Viren was born on 18.08.2014.

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 in October, 2015 and started living with her parents.
6. The petitioner No.1 lodged the complaint with CAW Cell against all the petitioners which culminated into the said FIR. She has also filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short 'DV Act') against the petitioners.
7. The petitioners No.2 and 3 are the father and mother of petitioner No.1 respectively, petitioner No.4 is the brother of petitioner No.1 and petitioner No.5 is the wife of petitioner No.4.
8. The parties had amicably resolved their disputes. The petitioner No.1 and respondent No.2 had decided to part company of each other and obtain a decree of divorce. It had also been settled that the petitioner no. 1 shall pay a total sum of Rs.4,00,000/- to the respondent no. 2 in full and final settlement of all her claims including maintenance and costs of dowry articles. It was also agreed that the male child Viren will remain with respondent No.2 and the petitioner No.1 shall not claim his custody.
9. Pursuant to this settlement of the parties, the respondent No.2 present in the court states that she had withdrawn her petition under Section 12 of the DV Act. At the time of recording of the statement of the parties in the first motion a sum of Rs.2 lakh was paid to respondent No.2 and at the time of second motion further a sum of Rs.1,00,000/-

was paid by the petitioner. A decree of divorce by mutual consent was granted by the learned Principal Judge, Family Court, Patiala House Court, New Delhi on 06.04.2017 and the marriage between the petitioners and respondent No.2 was dissolved.

10. Today the petitioner No.1 has paid the balance settlement amount of Rs.1 lakh vide DD No.499286 dated 14.06.2017 to respondent No.2. The respondent No.2 present in the court states that she has received the entire settlement amount from the petitioner No.1. She submits that she does not want to pursue the said FIR. She submits that the said FIR may be quashed.
11. Both the petitioner No.1 and respondent No.2 submit that the child shall remain in the custody of respondent No.2 and the petitioner No.1 shall not claim his custody.
12. Both the parties submit that now nothing is due and recoverable by them against each other. Parties have amicably settled their all disputes and no purpose would be served in further pursuing with the FIR bearing No.169, registered on 06.05.2016 with Police Station Delhi Cantt, under Sections 498A/406/34 IPC. Hence, to secure ends of justice, the FIR bearing No. 169/2016, registered on 06.05.2016 with Police Station Delhi Cantt, 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/sandeep