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

+ W.P.(CRL) 2255/2017 & Crl.M.A. 12759/2017

DAMODAR KARNANI & ORS Petitioners
Through: Ms.Priyanka Sharma, Advocate
along with petitioners in person.

versus

STATE & ANR Respondents
Through: Ms. Kamna Vohra, learned ASC
for the State with S.I. Anil Kumar, Police
Station C.R. Park, Delhi.
Respondent No.2 in person.

CORAM:
HON'BLE MR. JUSTICE VINOD GOEL

ORDER
18.09.2017

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1. Respondent no. 2 appears in person. She is duly identified by IO SI Anil Kumar.
2. The petitioners have invoked the writ jurisdiction of this court under Article 22/227 of the Constitution of India read with Section 482 of Code of Criminal Procedure, 1973 (in short 'Cr.P.C.') for quashing of the FIR bearing No.99/2015, registered against them on 07.03.2015 with Police Station C.R. Park, South East District, Delhi under Sections 498A/406 IPC on the complaint of respondent No.2.
3. The marriage of the petitioner No.1 with the respondent no. 2 was solemnized on 02.12.2007 as per Hindu rites and ceremonies in Delhi. However, out of this wedlock no child was born.
4. After solemnization of marriage, the couple started living at 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 08.09.2013 and started living with her mother in Delhi.

5. She lodged a complaint with CAW Cell which culminated into the said FIR against the petitioners.

6. The petitioner no.1 and respondent no.2 submit that they, with the intention to settle the matter amicably, appeared before Delhi Govt. Mediation & Conciliation Centre (A Centre set up by Govt. of NCT of Delhi). They had resolved and settled all their disputes before the learned Mediator on 4th March, 2016.

7. 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.13,00,000/- to the respondent no. 2 in full and final settlement of her all claims including the maintenance and cost of dowry/*stridhan* articles.

8. The petitioner no.1 and respondent No.2 submit that they had voluntarily resolved all disputes amicably without any coercion or force.

9. Pursuant to this settlement, Rs.3,25,000/- was paid by the petitioner no.1 to the respondent no.2 at the time of recording the statement of the parties in the first motion petition. A sum of Rs.3,25,000/- was transferred by the petitioner No.1 to the respondent No.2 on 20th May, 2016 by RTGS in her account directly. A sum of Rs.3,25,000/- was paid by the petitioner No.1 to the respondent No.2 at the time of recording their statement in the second motion petition.

A decree of divorce by mutual consent was granted on 19.07.2017 by the court of learned Principal Judge, Family Court, South East District, Saket Courts, New Delhi, by which the marriage between the petitioner no. 1 and the respondent no.2 was dissolved.

10. Today, the petitioner No.1 has paid the balance settlement amount of Rs.3,25,000/- vide DD No.816325 dated 09.02.2017 revalidated on 04.08.2017 issued by Punjab National Bank, in favour of respondent No.2, which has been accepted by her. She submits 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. Learned ASC through IO submits that the charge sheet has so far not been filed.

12. Both the parties submit that now nothing is due and recoverable by them against each other. Since the parties have amicably settled all their disputes, no fruitful purpose would be served in further pursuing the said FIR. Hence, to secure ends of justice, the FIR bearing No.99 /2015, registered against them on 07.03.2015 with Police Station C.R. Park, South East District, Delhi under Sections 498A/406 IPC and proceedings arising out of the said FIR are hereby quashed.

13. The petition is disposed of accordingly.

14. CrI.M.A. 12759/2017 stands disposed of. *DASTI*.

VINOD GOEL, J.

SEPTEMBER 18, 2017/jitender