

\$~45

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

% *Date of Judgment: 16th August, 2017*

+ **W.P.(CRL) 2316/2017**

DR. VARUN SHARMA & ORS. Petitioners
Through: Mr. Dinesh Chander Trehan,
Advocate.

versus

STATE NCT OF DELHI & ANR. Respondents
Through: Mr. Archit Vashistha, Advocate
for Ms. Nandita Rao, ASC for State with
ASI Baljit Singh, P.S. Aman Vihar, Delhi.
Mr. Rajnish Singh, Advocate for R-2 along
with respondent No.2 in person.

CORAM:
HON'BLE MR. JUSTICE VINOD GOEL

VINOD GOEL, J. (ORAL)

1. Notice. Learned ASC, who appears on an advance copy accepts the notice.
2. Notice to respondent No.2 also. She is present and accepts the notice. She is duly identified by the IO ASI Baljit Singh.
3. The petitioner has 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.0029, registered on

06.01.2016 with Police Station Aman Vihar, Delhi under Sections 498A/406/34 IPC and Section 4 of Dowry Prohibition Act, 1961 on the complaint of respondent No.2.

4. The marriage of the petitioner No.1 and the respondent no. 2 was solemnized on 31.10.2013 as per Hindu rites and ceremonies at village Purtiala, P.O. Kohala, Tehsil Jwalaji, Kangra, District Himachal Pradesh Delhi. No child was born out of this wedlock.
5. Due to some temperamental differences between the petitioner and the respondent no.2, they could not reconcile with each other. Resultantly, the respondent no.2 left the matrimonial home in October, 2011 and started living with her parents.
6. The respondent No.2 filed a petition for divorce bearing No.849 of 2013 before the Principal Judge, North West District, Family Court, Rohini, New Delhi. She 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 Principal Judge (North-West), Family Courts, Rohini, Delhi. The respondent No.2 also lodged a complaint which culminated into the said FIR against the petitioners.
7. 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 by mutual consent. It had also been settled that the petitioner No.1 shall pay a total sum of Rs.15 lakhs to the respondent no. 2 in full and final settlement of all her claims including dowry/stridhan articles, maintenance

and permanent alimony.

8. Pursuant to this settlement of the parties, the petitioner No.1 & respondent No.2 had withdrawn their respective petitions. At the time of recording of the statement of the parties in the first motion, a sum of Rs.5 lakh was paid to respondent No.2. At the time of second motion, a sum of Rs.5 lakh was further paid by the petitioner No.1 to respondent No.2. A decree of divorce by mutual consent was granted by the learned Principal Judge, (North-West), Family Courts, Rohini, Delhi on 11.07.2017 and the marriage between the petitioner No.1 and respondent No.2 was dissolved.
9. Today the petitioner has paid the balance settlement amount of Rs.5 lakh vide DD No. 851090 dated 11.08.2017 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.
10. 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.0029, registered on 06.01.2016 with Police Station Aman Vihar, Delhi under Sections 498A/406/34 IPC and Section 4 of Dowry Prohibition Act. Hence, to secure ends of justice, the FIR bearing No.0029, registered on 06.01.2016 with Police Station Aman Vihar, Delhi under Sections 498A/406/34 IPC and Section 4 of Dowry Prohibition

Act and proceedings arising out of the same are hereby quashed.

11. The petition is disposed of.
12. Order *dasti*

VINOD GOEL, J.

AUGUST 16, 2017/sandeep

