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

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

+ W.P.(CRL) 2310/2017

MANISH JOSHI & ORS Petitioners

Through: Mr. Vivek Sharma, Advocate

versus

STATE NCT OF DELHI & ANR. Respondents

Through: Mr. Rahul Mehra Standing Counsel
with Sh. Jamal Akhtar, Advocate with S.I.
R.N. Pathak, P.S. Jagatpuri, Delhi.

Mr. Anshul Sharma, Advocate for R-2
alongwith respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

VINOD GOEL, J. (ORAL)

Crl.M.A. 13065/2017 (exemption)

Exemption allowed subject to all just exceptions.

Application is disposed of.

W.P.(CRL) 2310/2017

1. Notice. Learned Standing Counsel, 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 SI R.N. Pathak
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.278/2015, registered on 03.05.2015 with Police Station Jagatpuri, Delhi, under Sections 498A/406/377/34 IPC on the complaint of respondent No.2.

4. The marriage of the petitioner No.1 and the respondent no. 2 was solemnized on 11.02.2008 as per Hindu rites and ceremonies in Delhi. Out of this wedlock a male child namely Master Mitansh Joshi was born on 07.04.2009.
5. The petitioner No.2 is the mother of the petitioner No.1, petitioner No.3 is the uncle of petitioner No.1, petitioner No.4 is the wife of petitioner No.3 and petitioners No.5 and 6 are sons of petitioners No.3 and 4.
6. Due to some temperamental differences, the petitioner No.1 and the respondent no.2 could not reconcile with each other. Resultantly, the respondent no.2 left the matrimonial home and started residing with her parents since 17.11.2012.
7. The petitioner No.1 filed a petition bearing HMA No.84/2013 for divorce before Principal Judge, Family Court, East District, Vishwas Nagar, Delhi against the respondent No.2. The respondent No.2 had also filed a Guardianship Petition No.04/2013 against the petitioner No.1 before the Principal Judge, Family Court, East District, Vishwas Nagar, Delhi. The respondent No.2 also lodged a complaint which culminated into the FIR No.278 of 2015 under Sections 498A/406/377/34 IPC in P.S. Jagat Puri, Delhi.
8. The parties had amicably resolved their disputes in Delhi High

Court Mediation and Conciliation Centre on 16.02.2016. By this settlement, the petitioner No.1 and respondent No.2 have decided to part company of each other and obtain a decree of divorce by mutual consent. They had also agreed that the custody of the child shall remain exclusively with the petitioner No.1. The respondent No.2 had agreed to abandon all her claims of guardianship, custody and visitation rights over the child. The petitioner No.1 had also agreed to pay Rs.17,00,000/- to the respondent no. 2 in full and final settlement of all her claims including permanent alimony, maintenance, cost of dowry articles, etc. They had also agreed to withdraw their respective petitions, being HMA No.84 of 2013 (New No.710/2014) for divorce filed by the petitioner No.1 and petition being Guardianship Petition No.GS-04 of 2013 filed by the respondent No.2.

9. Pursuant to the mediation settlement, the petitioner No.1 had withdrawn his petition for divorce bearing HMA No.84 of 2013 (New No.710/2014) from the court of Principal Judge, Family Court, Delhi. The respondent No.2, present in the court, submits that she had withdrawn her Guardianship Petition No.GS-04 of 2013 from the court of Principal Judge, Family Court, Delhi.
10. It is submitted that at the time of withdrawal of the Guardianship Petition No.GS-04 of 2013 from the court of Principal Judge, Family Court, Delhi, a sum of Rs.4,25,000/- was paid to the respondent No.2 by the petitioner No.1. At the

time of recording the statement of the parties in the first motion petition, the petitioner No.1 had further paid a sum of Rs.4,25,000/- to the respondent No.2. In the second motion petition, the petitioner No.1 further paid a sum of Rs.4,25,000/- to the respondent No.2. The Principal Judge, Family Court, Delhi has passed a decree of divorce by mutual consent whereby marriage of the petitioner No.1 and the respondent No.2 was dissolved on 01.05.2017.

11. Today the petitioner No.1 has paid the balance settlement amount of Rs.2,25,000/- vide DD No.048750 dated 19.07.2017 drawn on Bank of Maharashtra, Dayanand Vihar Delhi to respondent No.2. The respondent No.2 present in the court states that she has received the settlement amount of Rs.15,00,000/- qua the present case from the petitioners and remaining Rs.2,00,000/- would be paid at the time of compounding the offence in respect of FIR No.110 of 2015 registered at P.S. Farsh Bazar, Delhi under Sections 506 and 509 IPC. She submits that she does not want to pursue the present FIR. She submits that the FIR may be quashed.
12. Learned Standing Counsel through the I.O. submits that the charge sheet has not been filed.
13. Both the parties submit that now nothing is due and recoverable by them against each other. Parties have amicably settled all their disputes and no purpose would be served in further pursuing with the FIR bearing No.278/2015, registered on 03.05.2015 with Police Station Jagatpuri, Delhi, under Sections

498A/406/377/34 IPC. Hence, to secure ends of justice, the FIR bearing No.278/2015, registered on 03.05.2015 with Police Station Jagatpuri, Delhi, under Sections 498A/406/377/34 IPC and proceedings arising out of the same are hereby quashed.

14. The petition is disposed of.

15. Order *Dasti*.

VINOD GOEL, J.

AUGUST 16, 2017/sandeep

