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

+ **W.P.(CRL) 2372/2017**

AMIT KUMAR @ ANUJ SINGH & ORS Petitioners

Through: Mr. Rajeev Singh, Advocate.

versus

STATE NCT OF DELHI & ANR. Respondents

Through: Mr. Rahul Mehra, Standing Counsel for the State with Sh. Jamal Akhtar, Advocate along with ASI Brij Mohan, P.S. Badarpur, Delhi.

Mr. Akhilesh, Advocate with Mr. Nikhil Advocate for R-2 along with respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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22.08.2017

VINOD GOEL, J. (ORAL)

Crl.M.A. 13488/2017 (exemption)

Exemption allowed subject to all just exceptions.

Application is disposed of.

W.P.(CRL) 2372/2017

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 being represented by her counsel. She is duly

identified by the IO ASI Brij Mohan.

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.0632/2015, registered on 03.10.2015 with Police Station Badarpur, South East, Delhi, under Sections 498A/406/34 IPC on the complaint of respondent No.2.
4. The marriage of the petitioner No.1 with the respondent no. 2 was solemnized on 23.06.2006 as per Hindu rites and ceremonies in Village Atari, District Aligarh (U.P.). After the marriage petitioner No.1 and respondent No.2 started residing together at the matrimonial home. Out of this wedlock two female children Ooudarya and Aahana were born, who are now 9 ½ and 5½ years of age respectively.
5. The petitioners No.2 and 3 are the parents of petitioner No.1, the petitioner No.4 is the brother of petitioner No.1 and petitioner No.5 is the wife of petitioner No.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 14.08.2014.
7. The respondent No.2 filed a complaint with CAW Cell which culminated into the said FIR against the petitioners.
8. On a reference being made by the learned Additional Sessions Judge in the bail matter filed by the petitioner No.1, the parties

appeared before the learned Mediator in Delhi Mediation Centre, Saket Courts, New Delhi. On 11.05.2016, the parties resolved and settled all 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. The petitioner No.1 had also agreed to pay a total sum of Rs.6,00,000/- to the respondent no. 2 in full and final settlement of her all claims including the maintenance, permanent alimony and costs of dowry and *stridhan* articles. They had also agreed that the custody of the both the minor daughters shall remain exclusively with the petitioner No.1, however, the respondent No.2 shall have the visitation rights.

9. Pursuant to the mediation settlement between the parties, at the time of recording the statement of the parties in the first motion petition, the petitioner No.1 had paid a sum of Rs.2,00,000 /- to the respondent No.2 on 27.8.2016. In the second motion petition, the petitioner No.1 further paid a sum of Rs.2,00,000/- to the respondent No.2 on 20.5.2017. The learned Principal Judge, Family Court, Delhi awarded a decree of divorce by mutual consent whereby marriage between the petitioner No.1 and the respondent No.2 was dissolved on 20.05.2017.
10. Today, the petitioner No.1 has paid the balance settlement amount of Rs.2,00,000/- vide DD No.175177 dated 22.08.2017 drawn on Yes Bank, Sunder Nagar, New Delhi to respondent No.2. She submits that she does not want to pursue the present FIR. She submits that the FIR may be quashed.

11. Learned Standing Counsel through the I.O. submits that the charge sheet has not been filed.
12. 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 said FIR. Hence, to secure ends of justice, the FIR bearing No.0632/2015, registered on 03.10.2015 with Police Station Badarpur, South East, Delhi, under Sections 498A/406/34 IPC and proceedings arising out of the same are hereby quashed.
13. The petition is disposed of accordingly.
14. Order *Dasti*.

VINOD GOEL, J.

AUGUST 22, 2017/sandeep