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

+ W.P.(CRL) 2416/2017

RAHUL VERMA & ORS.

..... Petitioners

Through Mr. Ranbir Sharma, Advocate along with
petitioners in person.

versus

STATE & ANR

..... Respondents

Through Mr. Rahul Mehra, Standing Counsel for
the State with Mr. Jamal Akhtar, Advocate along
with ASI Sunder Pal, PS Ambedkar Nagar, Delhi.
Mr. Shanti Parkash Advocate for R-2 along with
respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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14.09.2017

1. Pursuant to the order dated 25.08.2017, the petitioners have filed amended memo of parties. Rohit Kumar and Anuj Kumar have joined themselves as petitioner no. 4 and 5 respectively. The same is taken on record.
2. Status report has not been filed. Learned Standing Counsel through IO submits that the charge sheet has so far not been filed. He submits that the parties have amicably settled their disputes.
3. Learned Standing Counsel points out that the year of the FIR is wrongly mentioned in the petition as FIR No. 945/2015 instead of FIR No.945/2014. Learned counsel for the petitioner admits the said

position. He seeks permission to make correction in the petition. He is permitted to correct the year of the FIR in the petition. He has corrected the year of the FIR in the petition with his initials, which is taken care of.

4. Respondent No.2 appears in person. She is accompanied with her father. She is being represented by her counsel. She is duly identified by IO ASI Sunder Pal.
5. 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.945/2014, registered on 11.12.2014 against them with Police Station Ambedkar Nagar, South East District, Delhi, under Sections 498A/406/34 IPC on the complaint of respondent No.2.
6. The marriage of the petitioner no.1 with the respondent no. 2 was solemnized on 13.03.2013 as per Hindu rites and ceremonies in Delhi.
7. After solemnization of their marriage, the petitioner no. 1 and the respondent no. 2 started residing together in 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 in May, 2014 and started residing separately. There one female child namely Chainika was born on 15.07.2014.
8. The respondent no. 2 lodged a complaint with CAW Cell which culminated into said FIR against the petitioners. She had also filed a petition under Section 125 of Cr.P.C. for maintenance against the

petitioner No.1 before the Principal Judge, Family Court, Saket, New Delhi.

9. On making a reference by the learned District & Sessions Judge (South District), Saket Court, New Delhi, while hearing the bail applications of the petitioners, the parties appeared before the learned Mediator, Delhi Mediation Centre, Saket Court, New Delhi. On 29.02.2016, the petitioners and respondent no. 2 had amicably settled and resolved all their disputes. 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. It was agreed that the child shall remain in the custody of respondent No.2. It is also agreed that the petitioner shall neither claim the custody of the child nor shall have rights of visitation. The petitioner no. 1 had agreed to pay a total sum of Rs.6,25,000/- to the respondent no. 2 in full and final settlement of her all claims including the maintenance, permanent alimony, cost of dowry/*stridhan* articles and maintenance of the minor child. It was also agreed that out of the settlement of Rs.6,25,000/-, a sum of Rs.2,25,000/- shall be for the minor daughter and Rs.4,00,000/- shall be paid to the respondent no. 2.
10. Pursuant to this settlement, a sum of Rs.2,25,000/- has been handed over by Demand Draft issued in favour of Baby Chainika 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. Further, a sum of Rs.2,00,000/- was paid by the petitioner No.1 to the respondent No.2 at the time of recording their statement in the second motion petition. It is submitted that on 25.08.2017, the petitioner no.1 had paid the

balance settlement amount of Rs.2,00,000/- to the respondent no. 2. A decree of divorce by mutual consent was granted on 18.02.2017 by the court of learned Principal Judge, Family Courts, South-East District, Saket Court, Delhi by which the marriage between the petitioner no. 1 and the respondent no.2 was dissolved.

11. The respondent No.2 submits that she had voluntarily settled all her disputes with the petitioner without any force or coercion. She submits that she had 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.
12. Both the parties submit that now nothing is due and recoverable by them against each other. Since the parties have amicably settled their all disputes, no fruitful purpose would be served in further pursuing with the said FIR. Hence, to secure ends of justice, the FIR bearing No.945/2014, registered on 11.12.2014 with Police Station Ambedkar Nagar, South East District, Delhi, under Sections 498A/406/34 IPC and proceedings arising out of the said FIR are hereby quashed. It is directed that the respondent No.2 shall keep the amount of Rs.2,25,000/- in the name of her minor child for the period she attains age of major.
13. The petition is disposed of accordingly.
14. *DASTI.*

VINOD GOEL, J.

SEPTEMBER 14, 2017

"shailendra"