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

+ W.P.(CRL) 2432/2017

PAWAN MITTAL & ORS

..... Petitioners

Through: Mr. Kamal Gupta, Advocate along
with petitioners in person.

versus

THE STATE NCT OF DELHI & ANR Respondents

Through: Ms.Kamna Vohra, ASC for the
State with ASI Guman Singh, PS Shalimar
Bagh, Delhi.

Mr.Varun Mittal, Advocate with Mr.Sahil
Munjhal, Advocate for R-2 along with
respondent no. 2 in person.

+ W.P.(CRL) 2436/2017

ANNU MITTAL & ORS

..... Petitioners

Through: Mr.Varun Mittal, Advocate with
Mr.Sahil Munjal, Advocate along with
petitioners in person.

versus

THE STATE NCT OF DELHI & ANR Respondents

Through: Mr.R.S. Kundu, ASC for State
with Mr.Peeyush Bhatia, Advocate along
with SI Lalit Shokeen, PS Keshav Puram,
Delhi.

Mr. Kamal Gupta, Advocate for R-2 along
with respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

28.08.2017

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VINOD GOEL, J. (ORAL)

CrI.M.A. 13900/2017 (exemption) in W.P.(CRL) 2432/2017

CrI.M.A. 13911/2017 (exemption) in W.P.(CRL) 2436/2017

Exemption allowed subject to all just exceptions.

Applications are disposed of.

W.P.(CRL) 2432/2017

1. Notice. Learned ASC for the State, who appears on an advance copy, accepts the notice.
2. Notice to respondent No.2 also. Respondent no. 2 is present and accepts the notice. The respondent no. 2 is being represented by her counsel. She is duly identified by the IO ASI Guman Singh of PS Shalimar Bagh, Delhi.
3. The petitioners have invoked the writ jurisdiction of this court under Article 226 & 227 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. 826/2015, registered against them on 07.07.2015 with Police Station Shalimar Bagh, Delhi under Section 498A/406/34 of IPC on the complaint of respondent No.2.

W.P.(CRL) 2436/2017

4. Notice. Learned ASC for the State, who appears on an advance copy, accepts the notice.
5. Notice to respondent No.2 also. Respondent no. 2 is present and accepts the notice. The respondent no. 2 is being represented by his counsel. He is duly identified by the IO ASI Guman Singh of PS Shalimar Bagh, Delhi.

6. The petitioners have invoked the writ jurisdiction of this court under Article 226 of the Constitution of India read with Section 482 of Cr.PC for quashing of the FIR bearing No. 419/2015, registered against them on 22.06.2015 with Police Station Keshav Puram, Delhi under Section 384/497 of IPC on the complaint of respondent No.2.

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7. The marriage of the petitioner no. 1 with the respondent no. 2 was solemnized on 23.01.2011 as per Hindu rites and ceremonies at Delhi. Out of this wedlock a male child namely Master Mohak was born on 10.01.2015.
8. The petitioner no. 2 is the father of petitioner no. 1, petitioner no. 3 is brother of petitioner no. 1, petitioner no. 4 is the wife of petitioner no. 3, petitioner no. 5 is the sister of petitioner no. 1 and the petitioner no. 6 is the husband of petitioner no. 5.
9. The petitioner No.1 and respondent No.2 could not reconcile with each other due to some differences between them. Resultantly, the respondent no.2 left the matrimonial home along with child and she started living with her parents since 15.11.2014.
10. The respondent no. 2 lodged a complaint in CAW Cell which culminated into the said FIR. She had 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 MM, Mahila Court, South East District, Saket Court, New Delhi. She had also filed a petition under Section 125 of Cr.PC for

maintenance against the petitioner no.1 before Ld. Principal Judge, Family Court, Delhi.

11. The parties had resolved and settled all their disputes on 21.07.2016. The petitioner no.1 and respondent no.2 had decided to part company of each other and obtained a decree of divorce by mutual consent. It is also agreed that the petitioner no.1 shall return all the dowry and *stridhan* articles to respondent No.2. It is also agreed between the parties that their child shall remain in the custody of respondent no.2 and the petitioner no.1 shall not have any visitation right. The respondent no. 2 had also agreed to withdraw both the petitions filed by her under Section 12 of D.V. Act and 125 of Cr.PC. Both the parties have agreed not to pursue the said FIRs against each other.
12. Pursuant to the settlement between the parties dated 21.07.2016, the respondent no. 2, present in the court, states that she has withdrawn her petition under Section 12 of D.V. Act from the court of learned MM, Mahila Court, Delhi and petition under Section 125 Cr.PC from the court of learned Principal Judge, Family Court Delhi. She submits that she has received all the dowry and *stridhan* articles from the petitioner no.1 as per the settlement.

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13. Both the parties submit that they have willingly settled the matter with each other without any force or coercion and they do not want to pursue their respective said FIRs. They submit

that the said FIRs may be quashed.

14. The matter has been amicably settled between the parties and no purpose would be served in further pursuing the said FIRs. Hence, in the facts and circumstances of the case to secure ends of justice, FIR bearing No. 826/2015, registered on 07.07.2015 with Police Station Shalimar Bagh, Delhi under Section 498A/406/34 of IPC and FIR bearing No. 419/2015, registered on 22.06.2015 with Police Station Keshav Puram, Delhi under Section 384/497 of IPC and proceedings arising out of both the said FIRs are hereby quashed.
15. Both the petitions are disposed of accordingly.
16. DASTI.

AUGUST 28, 2017
"shailendra"

VINOD GOEL, J.

न्यायमेव जयते