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

+ W.P. (CRL.) 2448/2017

+ W.P. (CRL.) 2449/2017

+ CrI.M.C. 3421/2017

AMIT SHARMA & ORS.

..... Petitioners

Through: Mr.Lokesh Kumar Mishra Advocate
with Ms. Arti Baghel, Advocate

versus

THE STATE & ANR

..... Respondents

Through: Ms. Ashish Negi, Adv. for Ms. Richa Kapoor, in W.P. (CRL.) No.2448/2017 and W.P. (CRL.) No.2449/2017.

Mr. Amit Chadha, APP for the State with SI Jagdeep Malik, P.S. Geeta Colony, Delhi in CrI. M.C. 3421/2017.

Respondent No.2 in person along with her mother.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

%

29.08.2017

CrI.M.A. 13994/2017 in W.P. (CRL.) 2448/2017

CrI.M.A. 13996/2017 in W.P. (CRL.) 2449/2017

CrI.M.A. 13997/2017 in CrI. M.C. 3421/2017

Exemption allowed subject to all just exceptions.

Applications are disposed of.

+ **W.P. (CRL.) 2448/2017**

+ **W.P. (CRL.) 2449/2017**
+ **CrI.M.C. 3421/2017**

1. CrI.M.C. 3421/2017 is received on transfer by the order of Hon'ble the Acting Chief Justice.
2. Notice. Learned counsel appearing on behalf of the State, who appear on an advance copy having been served, accept notice.
3. Notice to respondent No.2 also. She is present and is accompanied by her mother. She accepts the notice. She is duly identified by the IO SI Jagdeep.
4. In writ petition, being W.P. (CRL.) No.2448/2017, 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.P.C.) for quashing of the FIR bearing No.751/2014, registered on 21.10.2014 against them, with Police Station Geeta Colony, Delhi under Sections 498A/406/34 IPC on the complaint of respondent no.2.
5. In writ petition, W.P. (CRL.) No.2449/2017, the petitioner seeks quashing of FIR No.915/2014, registered on 10.12.2014 against him, with Police Station Geeta Colony, Delhi under Sections 323/341/506/509 IPC on the complaint of respondent no.2.
6. In CrI.M.C. 3421/2017, the petitioner seeks quashing of FIR No.317/2014, registered on 19.05.2014 against him with Police Station Geeta Colony, Delhi under Sections 323/341 IPC on the complaint of respondent no.2.
7. The marriage of the petitioner No.1 with respondent No.2 was

solemnised as per Hindu rites and ceremonies on 09.06.2011 in Delhi. Out of this wedlock, one male child namely Master Aditya @ Laksh was born on 21.04.2012.

8. Due to some temperamental differences between the petitioner No.1 and respondent No.2, they could not reconcile with each other. Resultantly, respondent No.2 left the matrimonial home and started residing separately with effect from 01.12.2013.
9. The respondent No.2 lodged above said three FIRs against the petitioners.
10. Subsequently, the parties had amicably resolved and settled all their disputes before the learned Mediator in Delhi Government Mediation Centre on 09.12.2016.
11. By this settlement, the petitioner No.1 and respondent No.2 had decided to part company of each other by obtaining a decree of divorce by mutual consent. It had also been agreed that the petitioner No.1 shall pay a total sum of Rs.2,50,000/- to respondent No.2 in full and final settlement of all her claims including maintenance and costs of dowry and *stridhan* articles. It had also been agreed that the minor child namely Aditya @ Leksh shall remain in the custody of respondent No.2 and the petitioner shall not have any visitation rights.
12. Learned APP through the IO submits that the charge sheet only in case FIR No.317 of 2014 had been filed before the concerned court.
13. Pursuant to the settlement, the petitioner No.1 had paid a sum of Rs.80,000/- at the time of recording the statement of the parties in the first motion in a divorce petition. The petitioner No.1 further paid a

sum of Rs.80,000/- to the respondent No.2 in the second motion. The petitioner No.1 and respondent No.2 submit that a decree of divorce was awarded by the court of Sh. R.P. Pandey, learned Principal Judge, Family Court, Karkardooma, Delhi by which the marriage between them was dissolved by the mutual consent.

14. Today, the petitioner No.1 has paid the balance settlement amount of Rs.90,000/- vide DD No.86593 dated 02.08.2017 issued by Indusland Bank, New Delhi, to respondent No.2.
15. She submits that she has received the entire settlement amount from the petitioner. She submits that she does not want to pursue the said FIRs. She submits that all three FIRs may be quashed.
16. Both the parties submit that now nothing is due and recoverable by them against each other. When parties have amicably settled all their disputes, no purpose would be served in further pursuing with the said FIRs. Hence, to secure ends of justice, the FIR No.317/2014, registered on 19.05.2014 under Sections 323/341 IPC, FIR bearing No.751/2014, registered on 21.10.2014 under Sections 498A/406/34 IPC and FIR No.915/2014, registered on 10.12.2014 with Police Station Geeta Colony, Delhi, under Sections 323/341/506/509 IPC and proceedings arising out of all three FIRs are hereby quashed.
17. The petitions are disposed of accordingly.
18. *Dasti.*

VINOD GOEL, J.

AUGUST 29, 2017

"sandeep"