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

+ W.P.(CRL) 2583/2017

RAKESH KUMAR & ANR

..... Petitioners

Through Mr. Virendra Singh, Advocate with
petitioners in person.

versus

STATE & ANR

..... Respondents

Through Mr. Sanjay Lao, ASC for the State
with ASI Devender Kumar, P.S. Uttam Nagar,
Delhi

Mr. R.K. Solanki, Advocate for R-2 along with
respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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07.09.2017

1. Notice. Learned ASC for the State, who appears on an advance copy, accepts notice.
2. Notice to respondent no. 2 also. She is present in court and accepts notice. She is being represented by her counsel. She is duly identified by IO ASI Devender Kumar.
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.467/2011, registered on 03.10.2011 against them with Police Station Uttam Nagar, West District, Delhi, under Sections 498A/406 IPC on the complaint of respondent No.2.

4. The marriage of the petitioner no.1 with the respondent no. 2 was solemnized on 28.04.2009 as per Hindu rites and ceremonies. However, out of this wedlock no child was born.
5. 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 on 10.06.2009 and started residing separately.
6. The respondent no. 2 lodged a complaint with CAW Cell which culminated into said FIR against the petitioners. The respondent No.2 preferred a petition under Section 12 of The Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the 'DV Act').
7. On making reference by the learned MM, Mahila Court, Tis Hazari Courts, Delhi, the parties had appeared before the learned Mediator, Delhi Mediation Centre, Tis Hazari Courts, Delhi. They had resolved and settled all their disputes on 09.01.2015. 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. The petitioner no. 1 had agreed to pay a total sum of Rs.1,10,000/- to the respondent no. 2 in full and final settlement of her all claims including the maintenance and cost of dowry/*stridhan* articles. The respondent no.2 had also agreed to withdraw her petition under Section 12 of the D.V. Act.
8. Pursuant to this settlement, at the time of recording the statement of

the parties in the first motion petition, a sum of Rs.50,000/- was paid by the petitioner no. 1 to the respondent no. 2. Further, a sum of Rs.20,000/- was paid by the petitioner No.1 to the respondent No.2 at the time of recording their statement in the second motion petition. A decree of divorce by mutual consent was awarded on 19.08.2016 by the court of learned Principal Judge, South-West District, Family Courts, Dwarka, New Delhi, by which the marriage between the petitioner no. 1 and the respondent no.2 was dissolved.

9. The respondent No.2 states that she has voluntarily settled and resolved all disputes with the petitioners without any force and coercion. The respondent No.2 states that pursuant to the settlement she had withdrawn her petition under Section 12 of the D.V. Act from the court of MM, Mahila Court, West, Tis Hazari Courts, Delhi.
10. Today, the petitioner No.1 has paid the balance settlement amount of Rs.40,000/- by cash to respondent No.2. She submits that she has 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.
11. Learned ASC through IO submits that the charge sheet has already been filed against the petitioners and one Kuldip, who is the younger brother of the petitioner no.1.
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.467/2011, registered on 03.10.2011 against them with Police

Station Uttam Nagar, West District, Delhi, under Sections 498A/406
IPC and proceedings arising out of the said FIR are hereby quashed.

13. The petition is disposed of accordingly.
14. *DASTI.*

VINOD GOEL, J.

SEPTEMBER 07, 2017/jitender