

\$~55

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

+ W.P.(CRL) 2510/2017

HARMANI ARORA & ORS. Petitioners

Through Mr. Tarun Walia, Advocate with
petitioners in person.

versus

THE STATE NCT OF DELHI & ANR Respondents

Through Mr. Sanjay Lao, ASC with
Mr.Siddarth Sindhu, Advocate with ASI Vinod
Kumar, P.S. Bhalswa Dairy, Delhi.
Mr.Kamakshi Garg, Advocate along with
respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **01.09.2017**

Crl.M.A. 14372/2017 (exemption)

Exemption allowed subject to all just exceptions.

Application is disposed of.

W.P.(CRL) 2510/2017

1. 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. 102/2016, registered on 16.02.2016 against them with Police Station Bhalswa Dairy, North West District, Delhi, under Sections 498A/406/34 IPC on the complaint of respondent No.2.
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 Vinod Kumar.

3. The marriage of the petitioner no.1 and the respondent no. 2 was solemnized on 17.02.2015 as per Hindu rites and ceremonies in Delhi. However, out of this wedlock no issue was born.
4. 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 26.04.2015 and started living separately.
5. 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 12 of The Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the 'DV Act') against the petitioners.
6. On making reference by the learned MM, Mahila Court, Rohini, Delhi, the parties had appeared before the Ld.Mediator, Delhi Mediation Centre, Rohini District Courts, Delhi. They had resolved and settled all their disputes on 26.08.2016. 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.9,00,000/- to the respondent no. 2 in full and final settlement of all her claims including the maintenance, permanent alimony and cost of dowry/*stridhan* articles.
7. Pursuant to this settlement, at the time of recording the statement of

the parties in the first motion petition, a sum of Rs.2,00,000/- was paid by the petitioner no. 1 to the respondent no. 2. Further, a sum of Rs.2 lakh was paid by the petitioner to the respondent No.2 on 25.11.2016. A sum of Rs.2,50,000/- 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 13.04.2017 by the court of learned Principal Judge, (North-West District), Family Court, Rohini, Delhi by which the marriage between the petitioner no. 1 and the respondent no.2 was dissolved.

8. The respondent No.2 present in the court states that pursuant to the settlement she had withdrawn her petition under Section 12 of the D.V. Act.
9. Today, the petitioner No.1 has paid the balance settlement amount of Rs.2,50,000/- vide DD No.022610 dated 16.08.2017 issued by Axis Bank Ltd. Rohini, Delhi to respondent No.2. The respondent No.2 submits that she has received the entire settlement amount from the petitioner No.1. She submits that she does not want to pursue the present FIR. She submits that the said FIR may be quashed.
10. Both the parties submit that now nothing is due and recoverable by them against each other. The matter has been amicably settled between the parties and no purpose would be served in further pursuing the said FIR. Hence, to secure ends of justice, the FIR bearing No. 102/2016, registered on 16.02.2016 against them with Police Station Bhalswa Dairy, Delhi, under Sections 498A/406/34 IPC and proceedings arising out of the said FIR are hereby quashed.

11. The petition is disposed of accordingly.
12. DASTI.

VINOD GOEL, J.

SEPTEMBER 01, 2017
"sandeep"