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

+ **W.P.(CRL) 2523/2017**

ANURAG GROVER & ORS.

..... Petitioners

Through: Mr.Prabhjit Jauhar, Adv. with
ms.Aishwarya, Adv. with petitioners in person.

versus

THE STATE NCT OF DELHI & ANR

..... Respondents

Through: Ms.Kamna Vohra, ASC for State with
ASI Yogdutt, P.S. K.N. Katju Marg.
Mr.Tarun Sharma, Adv. with Mr.Amrinder Singh,
Adv. for R-2 along with respondent No.2 in
person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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04.09.2017

Crl.M.A. 14470/2017 (exemption)

Exemption allowed subject to all just exceptions.

Application is disposed of.

W.P.(CRL) 2523/2017

1. Notice. Learned APP 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 ASI Yogdutt.
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. 979/2016, registered against them on 22.11.2016 with Police Station K.N. Katju Marg, Outer District, Delhi, under Sections 498A/406/34 IPC and Section 4 of Dowry Prohibition Act, 1961, on the complaint of respondent No.2.

4. The marriage of the petitioner no.1 with the respondent no. 2 was solemnized on 4th December, 2015 as per Hindu rites and ceremonies at Jabalpur, Madhya Pradesh. However, out of this wedlock no child was born.
5. The petitioners no.2 and 3 are the father and mother of the petitioner no.1 respectively. Petitioner no.4 is the brother of the petitioner no.1.
6. 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 27.01.2016 and started residing with her parents.
7. The respondent no. 2 lodged a complaint with CAW Cell which culminated into said FIR against the petitioners.
8. The petitioner no.1 filed a petition under Section 9 of the Hindu Marriage Act, 1955 (in short "HM Act") for restitution of conjugal rights against respondent no.2 before the Principal Judge, Family Court, Jabalpur, Madhya Pradesh. The respondent no.2 preferred a petition under Section 12 of The Protection of Women from Domestic Violence Act, 2005 (in short the 'DV Act'), before the learned MM, Mahila Chourt, Rohini, Delhi.

9. Aggrieved by the action of the petitioner no.1 for filing petition under Section 9 of the Hindu Marriage Act, 1955 at Jabalpur, the respondent no.2 filed a transfer petition, being Transfer Petition (C) No.1901 of 2016, before the Hon'ble Supreme Court of India.
10. On making a reference by the Hon'ble Supreme Court of India, the parties appeared before the Supreme Court Mediation Centre. They had amicably resolved and settled their all disputes on 4th February, 2017.
11. The mediation settlement was communicated to the Hon'ble Supreme Court of India and vide order dated 17th February, 2017, the Transfer Petition (C) No.1091 of 2016 was disposed of in terms of the mediation settlement between the parties.
12. As per mediation 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.15,00,000/- to the respondent no. 2 in full and final settlement of her all claims including maintenance and cost of dowry/*stridhan* articles. The petitioner no.1 had agreed to withdraw his petition under Section 9 of the HM Act. The respondent no.2 had also agreed to withdraw her petition under Section 12 of the DV Act.
13. Pursuant to the mediation settlement, at the time of recording the statement of the parties in the first motion petition, a sum of Rs.5,00,000/- was paid by the petitioner no. 1 to the respondent no. 2. Further, a sum of Rs.5,00,000/- was paid by the petitioner No.1 to the respondent No.2 at the time of recording their statements in the second motion petition. A decree of divorce by mutual consent was

granted on 23.08.2017 by the court of learned Principal Judge, Family Courts, North District, Delhi by which the marriage between the petitioner no. 1 and the respondent no.2 was dissolved.

14. Today, the petitioner No.1 has paid the balance settlement amount of Rs.5,00,000/- vide DD No. 326270 dated 17.08.2017 issued by State Bank of India, Nayagaon, Jabalpur, Madhya Pradesh, to respondent No.2 which she has accepted. She submits that she has received the entire settlement amount from the petitioner No.1. She submits that in view of mediation settlement, she does not want to pursue the said FIR. She submits that the said FIR may be quashed.
15. Both the parties submit that now nothing is due and recoverable by them against each other. In the facts and circumstances of the case, when the parties have settled the matter amicably, no fruitful purpose would be served in further pursuing the said FIR. Hence, to secure ends of justice, the FIR bearing No. 979/2016, registered against the petitioners on 22.11.2016 with Police Station K.N. Katju Marg, Outer District, Delhi, under Sections 498A/406/34 IPC and Section 4 of Dowry Prohibition Act, 1961 and proceedings arising out of the said FIR are hereby quashed.
16. The petition is disposed of accordingly.
17. DASTI.

VINOD GOEL, J.

SEPTEMBER 04, 2017/jitender