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

+ **W.P.(CRL) 2520/2017**

SUHELVATS & ORS.

..... Petitioners

Through Mr. S.K. Sharma, Advocate with
Mr. Prayas Aneja, Advocate and petitioners in
person.

versus

THE STATE NCT OF DELHI & ANR

..... Respondents

Through: Ms. Nandita Rao, ASC for the State with
SI Vikas Sahu, P.S. Vikas Puri, Delhi
Mr. Dharmish Thanai, Advocate with Mr. Dinesh
Sharma, Advocate 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. 14442/2017 (exemption)

Exemption allowed subject to all just exceptions.

Application is disposed of.

W.P.(CRL) 2520/2017

1. Notice. Ld. ASC for State who appears on an advance copy accepts notice.
2. Notice to respondent no. 2 also. She accompanied by her father is present in court and accepts notice. She is being represented by her counsel. She is duly identified by IO Vikas Sahu.
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.481/2013, registered on 04.12.2013 against them with Police Station Vikaspuri, West District, Delhi, under Sections 498A/406/34 IPC on the complaint of respondent No.2.

4. The marriage of the petitioner no.1 and the respondent no. 2 was solemnized on 31.07.2012 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 31.12.2012 and started residing with her parents.
6. The respondent no. 2 lodged a complaint with CAW Cell which culminated into said FIR against the petitioners. The petitioner No.1 filed a petition for divorce in the court of learned Principal Judge, Family Courts, Tis Hazari, Delhi. The respondent No.2 preferred a complaint under Section 494/120B IPC 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.
7. On making reference by the learned MM, Mahila Court, West District, Tis Hazari Courts, Delhi, the parties had appeared before the Mediator, Delhi Mediation Centre, Tis Hazari Courts, Delhi. They have resolved and settled all their disputes on 18.11.2016 before the

Ld.Mediator. By that 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.60,00,000/- to the respondent no. 2 in full and final settlement of her all claims including the maintenance, permanent alimony and cost of dowry/*stridhan* articles.

8. Pursuant to this settlement, at the time of recording the statement of the parties in the first motion petition, a sum of Rs.10,00,000/- was paid by the petitioner no. 1 to the respondent no. 2. Further, a sum of Rs.40,00,000/- was paid by the petitioner No.1 to the respondent No.2 at the time of recording their statement in the second motion petition. The petitioner No.1 and respondent No.2 and their counsels submit that a decree of divorce by mutual consent was awarded on 04.08.2017 by the court of learned Principal Judge, 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 present in the court 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 District, Tis Hazari Courts, Delhi and also her complaint u/s 494/120B IPC from the court of MM, Saket Courts Delhi. The petitioner No.1 submits that he had withdrawn his petition for divorce from the Court of Ld.Principal Judge, Family Court, Tis Hazari, Delhi.
10. Today, the petitioner No.1 has paid the balance settlement amount of Rs.10,00,000/- vide DD No.201042 dated 04.09.2017 issued by Kotak Mahindra Bank Limited, New Delhi to respondent No.2. The

petitioner No.1 has also delivered another draft of Rs.30,000/- to respondent being the amount of outstanding maintenance. The respondent No.2 states that she has voluntarily settled and resolved all disputes voluntarily with the petitioners without any force and coercion. She further 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. Both the parties submit that now nothing is due and recoverable by them against each other. The matter had 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.481/2013, registered on 04.12.2013 against the petitioners with Police Station Vikaspuri, West Delhi, under Sections 498A/406/34 IPC and proceedings arising out of the said FIR are hereby quashed.
12. The petition is disposed of accordingly.
13. DASTI.

VINOD GOEL, J.

SEPTEMBER 04, 2017

"sandeep"