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

+ **W.P.(CRL) 2678/2017**

SHRI NITESH KUMAR & ORS

..... Petitioners

Through Mr.Siddharth Tewari, Adv. with
Mr.Mahesh Tewari, Mr.Ashok Kr. Sharma and
Mr.Amrendra Kr. Mishra, Advs. with petitioners
in person.

versus

STATE & ANR.

..... Respondents

Through Mr.Amit Chadha, APP for Ms.Richa
Kapur, ASC for State with W/ASI Pushpa, P.S.
Mianwali Nagar.
Mr.Dilip Kr. Singh, Adv. for R-2 along with
respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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15.09.2017

Crl.M.A. 15358/2017 (exemption)

Exemption allowed subject to all just exceptions.

Application is disposed of.

W.P.(CRL) 2678/2017

1. Notice. Learned counsel for the State, who appears on an advance copy having been served, accepts notice.
2. Notice to respondent no. 2 also. Respondent no. 2 appears in person and accepts notice. She is being represented by her counsel. She is duly identified by IO W/ASI Pushpa.
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.369/2016, registered on 13.08.2016 against them with Police Station Mianwali Nagar, West District, Delhi, under Sections 498A/406/34 IPC on the complaint of respondent No.2.

4. The marriage of the petitioner no.1 with the respondent no. 2 was solemnized on 19.05.2011 as per Hindu rites and ceremonies at Patna, Bihar. However, out of this wedlock no child was born.
5. The petitioner no.2 is the father of the petitioner no.1. The petitioner no.3 is the mother 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 01.07.2014 and started residing separately.
7. The respondent no. 2 lodged a complaint with CAW Cell which culminated into said FIR against the petitioners.
8. The petitioner No.1 instituted a petition u/s 9 of the Hindu Marriage Act, 1955 (in short "HM Act") for restitution of conjugal rights before the Principal Judge, Family Court, South West District, Dwarka, bearing HMA No.682/2015.
9. On making a reference by the learned Principal Judge, Family Court, South West District, Dwarka, the parties had appeared before the learned Counsellor, Counselling Cell, attached to learned Principal Judge. They had resolved and settled all their disputes on 17.10.2016.

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.5,50,000/- to the respondent no. 2 in full and final settlement of her all claims including the maintenance and cost of dowry/*stridhan* articles. The petitioner No.1 had agreed to withdraw petition u/s 9 of the HM Act.

10. Pursuant to this settlement, at the time of recording the statement of the parties in the first motion petition, a sum of Rs.2,50,000/- was paid by the petitioner no. 1 to the respondent no. 2. Further, 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 granted on 10.07.2017 by the court of learned Principal Judge, Family Court, South West District, Dwarka, New Delhi, by which the marriage between the petitioner no. 1 and the respondent no.2 was dissolved.
11. The respondent No.2 states that she had voluntarily settled and resolved all disputes with the petitioners without any force and coercion.
12. The petitioner no.1 submits that he had withdrawn his petition u/s 9 of the HM Act.
13. Today, the petitioner No.1 has paid the balance settlement amount of Rs.50,000/- vide DD No.412780 dated 14.08.2017 issued by State Bank of India, in favour of respondent No.2, which has been accepted by her. 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.

14. Learned ASC through IO submits that the charge sheet has so far not been filed.
15. 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 the said FIR. Hence, to secure ends of justice, the FIR bearing No.369/2016, registered on 13.08.2016 with Police Station Mianwali Nagar, West District, Delhi, under Sections 498A/406/34 IPC and proceedings arising out of the said FIR are hereby quashed.
16. The petition is disposed of accordingly.
17. *DASTI.*

VINOD GOEL, J.

SEPTEMBER 15, 2017/jitender