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

+ W.P.(CRL) 2753/2017

KAPOOR SINGH & ORS.

..... Petitioners

Through: Mr. J.D. Sharma, Advocate with
petitioners in person.

versus

THE STATE & ANR.

..... Respondents

Through: Mr. Rahul Mehra, Standing Counsel for
the State with ASI Ramesh Kumar PS Jaffarpur
Kalan, Delhi.

Mr. Dushyant Kumar, Advocate with Mr. Gaurav
Sarawat, Advocate with respondent No.2 in
person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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21.09.2017

1. Notice. Learned standing counsel for the State, who appears on an advance copy having been served, accepts notice.
2. Notice to respondent no. 2 also. She appears in person and accepts notice. She is being represented by her counsel. She is duly identified by IO ASI Ramesh 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.37/2016, registered on 02.03.2016 against them with Police Station Jaffarpur Kalan, South-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 14.02.2013 as per Hindu rites and ceremonies in Delhi. Out of this wedlock, one male child namely Harshit was born on 01.06.2014.
5. The petitioner no.2 is the mother of the petitioner no.1. The petitioner no. 4 is the sister of the petitioner no.1 and the petitioner no. 3 is husband of the petitioner no.4.
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 and started residing separately.
7. 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') against the petitioners in the court of learned MM, Mahila Court, South-West District, Dwarka Courts, Delhi. She also filed a petition u/s 125 of Cr.P.C. for maintenance against the petitioner No.1 before the learned Principal Judge, Family Courts, Delhi. She lodged a complaint against the petitioners before the CAW Cell which culminated into said FIR against the petitioners.
8. The petitioner no.1 and respondent no.2 had amicably resolved and settled all their disputes before the learned Principal Counsellor attached to the Family Court, South-West District, Dwarka Courts, Delhi. 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, which includes the maintenance of respondent no.2 and minor child and cost of dowry/*stridhan* articles. The respondent no. 2 had agreed to withdraw both her petitions. It had been agreed that their minor child shall remain in the custody of the respondent no.2 and the petitioner no.1 shall not have any visitation rights.

9. The respondent No.2 states that she had voluntarily settled and resolved all disputes with the petitioners without any force and coercion. She submits that she had withdrawn both her petitions. It is submitted that a sum of Rs.3,00,000/- had already been paid by the petitioner no.1 to the respondent no. 2. At the time of recording the statement of the parties in the second motion petition, Rs.3,00,000/- was paid by the petitioner no.1 to the respondent no.2. A decree of divorce by mutual consent was granted on 05.06.2017 by the court of learned Principal Judge, Family Court, South West District, Delhi, by which the marriage between the petitioner no. 1 and the respondent no.2 was dissolved.
10. Respondent no. 2 submits that she had deposited a sum of Rs.6,00,000/- in the FDR in the name of the minor child namely Harshit in the Bank.
11. Today, the petitioner No.1 has paid the balance settlement amount of Rs.3,00,000/- vide DD No.244153 dated 10.09.2017 issued by Axis Bank, Nazafgarh, Delhi, 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.

12. Learned ASC through IO submits that the charge sheet has so far not been filed.
13. Both the parties submit that now nothing is due and recoverable by them against each other. Since the parties have amicably settled all their disputes, no fruitful purpose would be served in further pursuing the said FIR. Hence, to secure ends of justice, the FIR bearing No.37/2016, registered on 02.03.2016 with Police Station Jaffarpur Kalan, Delhi, under Sections 498A/406/34 IPC and proceedings arising out of the said FIR are hereby quashed.
14. The petition is disposed of accordingly.
15. *DASTI.*

VINOD GOEL, J.

SEPTEMBER 21, 2017
"shailendra"