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

+ W.P.(CRL) 3028/2017

SONIL TRIVEDI & ANR.

..... Petitioners

Through: Mr.Madhu Mukul Tripathi, Advocate
with petitioner No.1's father and
mother/petitioner No.2 in person

versus

GOVT OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr.Rajesh Mahajan, ASC for the
State with SI Gajender PS CAW Cell
Nanak Pura
Ms.Smriti Sinha & Mr.Harimohana
N., Advocates for R-3 with R-3 in
person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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31.10.2017

CRL.M.A.17678/2017

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 3028/2017 & CRL.M.A.17679/2017

1. The present writ petition has been filed by the Petitioners under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for quashing of FIR No.18/2015, under Sections 498-A/406/34 IPC registered at P.S. CAW Nanak Pura, Delhi and the proceedings emanating therefrom against the petitioners.

2. Briefly stating the facts of the present case are that Respondent No.3 got married to Petitioner No.1 on 1st December, 2009 at Kanpur. Thereafter, due to temperamental and other differences on 11th April, 2014 Respondent No.3 filed a complaint against the Petitioners at CAW Cell, SPUWAC, Nanakpura, on the basis of which FIR in question was registered.
3. Respondent No.3 also filed two separate proceedings viz. one complaint under DV Act against the petitioner No.1 and his entire family members except father of petitioner No.1 and another for claiming maintenance under Section 125 Cr.P.C.
4. It is mentioned in the petition that during the pendency of above proceedings, the parties arrived at an amicable settlement before the Counselling Cell, Family Court, Saket Court Complex, New Delhi and copy of the said settlement dated 10th March, 2017 has been annexed with the petition as Annexure-P/2 as per which the respondent No.3/wife was to be paid ₹ 25 lakhs at different stages mentioned therein.
5. It is also mentioned in the petition that the marriage between the petitioner No.1 and respondent No.3 has been dissolved by mutual consent vide order dated 22nd September, 2017 passed by the Principal Judge, Family Court, District South, Saket Courts, Delhi and has received ₹ 16 lakhs upto first and second motion.
6. In terms of full and final settlement arrived at between the parties, today learned counsel for the Petitioners has handed over to Respondent No.3 a demand draft for a sum of ₹ 9,00,000/- which was payable at the stage of quashing of case FIR No.18/2015, under Sections 498-A/406/34 IPC registered at P.S. CAW Nanak Pura, Delhi.
7. Petitioner No.1 is represented through attorney/father, who is present

in person along with his wife, petitioner No.2 herein. Respondent No.2 is also present in person and submits that she has settled the matter with the Petitioners and in terms of said settlement, today she has received the balance payment of ₹ 9,00,000/-in the form of Demand Draft from the Petitioners. Respondent No.2 further submits that she has no objection if the FIR in question is quashed qua the Petitioners.

8. The FIR registered against the present Petitioners is for committing the offences punishable under Sections 498-A/406/34 IPC. Offence punishable under Section 498-A IPC is a non-compoundable offence.

9. In view of the legal position laid down in *Gian Singh v State of Punjab & Anr. 2012 (9) SCALE 257* and amicable settlement arrived at between the parties, I am of the considered view that no useful purpose would be served by continuing the criminal proceedings against the petitioners, which will only be an exercise in futile and wastage of precious time of the Court.

10. Accordingly, in terms of the settlement case FIR No.18/2015, under Sections 498-A/406/34 IPC registered at P.S. CAW Nanak Pura, Delhi and consequential proceedings arising therefrom are hereby quashed.

Order dasti, as prayed.

PRATIBHA RANI, J.

OCTOBER 31, 2017

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