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

+ W.P.(CRL) 3069/2017

MANISH KUMAR & ORS Petitioners
Through: Petitioner No.1 in person.

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents
Through: Ms.Kamna Vohra, ASC for the
State/R-1 with W/SI Sushma, PS
Moti Nagar.
Respondent No.2 in person.

CORAM:
HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER
24.11.2017

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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. praying for quashing of FIR No.562/2016 under Sections 498-A/406/34 IPC (Section 377 IPC added later), P.S. Moti Nagar, Delhi as well as consequential proceedings emanating therefrom, on the basis of settlement arrived at between the parties.

2. Briefly stating the facts of the present case are that respondent No.2 got married to petitioner No.1 on 20th April, 2014 according to Muslim rites and ceremonies. After sometime, certain temperamental difference started between the parties and respondent No.2 left the matrimonial home in August, 2014 and since then the petitioner No.1 and respondent No.2 are

living separately. Thereafter, respondent No.2 filed a criminal complaint against the petitioners which resulted into registration of FIR in question. It is mentioned in the petition that during the pendency of above proceedings, the parties arrived at an amicable settlement with the intervention of well-wishers of both the parties and petitioner No.1 and respondent No.2 agreed to dissolve their marriage by a decree of mutual consent. Copy of the settlement agreement dated 20th March, 2017 has also been placed on record as Annexure-P2.

3. Perusal of the record reveals that on the last date of hearing i.e. on 6th November, 2017, all the petitioners were present and in terms of the settlement, they handed over to the complainant/respondent No.2 a sum of ₹2.5 lacs by way of pay order.

4. On 6th November, 2017 the respondent No.2/complainant made the following submissions before this Court:-

‘Respondent No.2/complainant, who is present in person, has received the pay order for a sum of ₹2.5 lacs. However, she has submitted that she has one grievance against her husband – petitioner No.1 that despite the MOU being signed to the effect that they will not interfere in the life of each other, the petitioner No.1 has filed an application in her office/department for taking action against her, which is in violation of the terms and conditions of the MOU.’

5. In view of the above submissions made by respondent No.2/complainant on the last date of hearing, she was directed to place on record the necessary material or copy of the complaint/application filed by petitioner no.1 in her office.

6. Pursuant to the said directions, today the respondent No.2/complainant has placed on record the copy of complaint dated 12th

May, 2017 filed by her husband Manish Kumar – petitioner No.1 in her office. Copy of the complaint has also been supplied to petitioner No.1.

7. Petitioner No.1 submits that neither the complaint was drafted or made by him nor it bears his signature. He is ready to state so on affidavit. Petitioner No.1 has referred to Clause 14 and 15 of the settlement agreement, which read as under:-

‘14. That both the parties undertake that they shall not file any litigation/claim/petition/criminal case/petition against each other in future in any kind whatsoever.

15. That both the parties are free to get married with their own choice and no one can interfere in their personal life since today and both the parties are free to live with their parties as per their own choice and wishes and can pass their life smoothly in future.’

8. Petitioner No.1 submits that since he has agreed to the above terms and conditions of the settlement agreement, there was no occasion for him to make any such complaint.

9. The matter is passed over to enable the petitioner No.1 to file the undertaking/affidavit to the above effect.

PRATIBHA RANI, J.

NOVEMBER 24, 2017/‘st’

Present : As above.

1. Petitioner No.1 has filed his affidavit to the effect that he did not make the complaint dated 12th May, 2017 against respondent No.2 in her office. It is also stated in the affidavit that he will not interfere in the peaceful life of respondent No.2 in future.

2. Respondent No.2 submits that she has no objection if the FIR in question is quashed.

3. In view of the legal position laid down in the decision reported as Gian Singh v State of Punjab & Anr. 2012 (9) SCALE 257 and the 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.

4. Accordingly, the petition is allowed and FIR No.562/2016 under Sections 498-A/406/34 IPC, P.S. Moti Nagar, Delhi and consequential proceedings arising therefrom are hereby quashed. Parties shall bound by the terms and conditions of the settlement dated 30th March, 2017 (Annexure-P2).

Order dasti.

PRATIBHA RANI, J.

NOVEMBER 24, 2017

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