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

+ **W.P.(CRL) 3589/2017**

HARISH KUMAR

..... Petitioner

Through: Ms.Aastha Gupta, Advocate with
petitioner in person

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondent

Through: Mr.R.S.Kundu, ASC for the State
Mr.Z.U.Islam, Advocate for R-2 with
R-2 in person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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21.12.2017

CRL.M.A.21228/2017

1. For the reasons stated in the application, the delay of 7 days in re-filing of the writ petition is condoned.
2. The application stands disposed of.

W.P.(CRL) 3589/2017

1. This writ petition has been filed by the Petitioner under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for quashing of case FIR No.750/2015 under Sections 498-A/406/34 IPC registered at PS Pandav Nagar, Delhi and the 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 on 27th November, 2013 according to Hindu rites and ceremonies. Due to temperamental differences, the parties were living separately from each other since 27th February, 2014. Thereafter, respondent No.2 filed a complaint against the Petitioner on the basis of which FIR in question was registered.

3. Thereafter, respondent No.2 also filed a complaint under Section 12 of Protection of Women from Domestic Violence Act, 2005 against the petitioners before the learned Metropolitan Magistrate, Karkardooma Courts, Delhi. During the pendency of above proceeding, with the intervention of family, friends and relatives, the parties amicably settled their dispute before the Mediation Center, Karkardooma Courts, Delhi on 6th August, 2016 and copy of the same has been annexed with this petition as Annexure-2.

4. As per the Settlement, petitioner and respondent No.2 agreed to dissolve the marriage by mutual consent and the respondent No.2 has settled her claim towards *stridhan* articles, maintenance (past, present and future) for a total sum of ₹1,50,000/-. As per the settlement, the petitioner agreed to pay the settled amount of ₹1,50,000/- in the following manner:

- (i) ₹50,000/- at the time of recording statement of the parties in the First Motion Petition for grant of divorce under Section 13-B(i) of Hindu Marriage Act, 1955.
- (ii) ₹50,000/- at the time of recording statement of the parties in the Second Motion Petition.
- (iii) ₹50,000/- at the time of quashing of FIR in question.

5. It is also mentioned in the petition that the marriage between the petitioner and respondent No.2 has been dissolved on 12th April, 2017 by a

decree of divorce by mutual consent passed by the Principal Judge, Family Court, East District, Vishwas Nagar, Delhi.

6. Respondent No.2 is present in person along with her counsel and submits that she has settled the matter with the Petitioner and in terms of said settlement, today she has received the balance amount vide Demand Draft for a sum of ₹ 50,000/- from the Petitioner. Respondent No.2 further submits that she has no objection if the FIR in question is quashed qua the Petitioner.

7. The FIR registered against the present petitioner 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.

8. 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 petitioner, which will only be an exercise in futile and wastage of precious time of the Court.

9. Accordingly in terms of the settlement, case FIR No.750/2015 under Sections 498-A/406/34 IPC registered at PS Pandav Nagar, Delhi and consequential proceedings arising therefrom are hereby quashed.

Order dasti, as prayed.

PRATIBHA RANI, J.

DECEMBER 21, 2017

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