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

+ **W.P.(CRL) 3208/2017**

LALIT KUMAR & ORS.

..... Petitioners

Through: Mr.Pradeep Khatri & Mr.Pranay
Garg, Advocates with petitioners in
person except P-3 & P-5

versus

THE STATE (GOVT. OF NCT OF DELHI) & AN R..... Respondents

Through: Mr.Sanjay Lao, ASC for the State
with Mr.Siddarth Sindhu, Advocate
with ASI Ramesh Chand PS Narela
Mr.Ram Niwas Sujata & Mr.Dinesh
Kumar, Advocates for R-2 with R-2
in person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

17.11.2017

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1. This writ petition has been filed by the Petitioners under Article 226/227 of the Constitution of India read with Section 482 Cr.P.C. for quashing of case FIR No.0205/2016 under Sections 498-A/406/34 IPC registered at PS Narela, 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 No.1 on 14th January, 2013 according to Hindu rites and ceremonies. Due to temperamental differences, the parties were living separately from each other since 1st May, 2015. Thereafter,

Respondent No.2 filed a complaint against the Petitioners, on the basis of which FIR in question was registered.

3. It is mentioned in the petition that during the pendency of above proceedings, with the intervention of the relatives and other family members, the parties arrived at an amicable settlement at the Mediation Center, Rohini Courts vide Settlement/Agreement dated 7th September, 2016.

4. Today learned counsel for the petitioners has placed on record copy of the said settlement dated 7th September, 2016 as per which the petitioner No.1 and respondent No.2 agreed to dissolve the marriage by mutual consent and the respondent No.2 has settled her claim towards remaining/left over *stridhan* articles, maintenance (past, present and future) and permanent alimony for a total sum of ₹2,75,000/-. As per the settlement, the petitioners agreed to pay the settled amount of ₹2,75,000/- in the following manner:

- (i) ₹1,00,000/- at the time of recording statement of the parties in the First Motion Petition.
- (ii) ₹1,00,000/- at the time of recording statement of the parties in the Second Motion Petition.
- (iii) ₹75,000/- at the time of quashing of FIR in question.

5. It is also mentioned in the petitions that the marriage between the petitioner No.1 and respondent No.2 has been dissolved on 28th August, 2017 by a decree of divorce by mutual consent passed by the Principal Judge, Family Court, Rohini Courts, Delhi.

6. All the petitioners except petitioner Nos.4 and 5, who are *jethanis* of respondent No.2, are present today along with their counsel. Learned

counsel for the petitioners submits that petitioner Nos.4 and 5 could not appear today due to examination of their children. In terms of full and final settlement arrived at between the parties, today learned counsel for the Petitioners has handed over to Respondent No.2 a demand draft for the balance amount of ₹ 75,000/- which was to be paid at the stage of quashing of case FIR No.0205/2016 under Sections 498-A/406/34 IPC registered at PS Narela, Delhi.

7. Respondent No.2 is 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 amount vide Demand Draft for a sum of ₹ 75,000/- 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.0205/2016 under Sections 498-A/406/34 IPC registered at PS Narela, Delhi and consequential proceedings arising therefrom are hereby quashed.

Order dasti, as prayed.

PRATIBHA RANI, J

NOVEMBER 17, 2017/‘pg’