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

+ **W.P.(CRL) 3280/2017**

BHARAT BHUSHAN CHUGH & ORS Petitioners

Through: Mr.Hari Om, Advocate with
Petitioner No.1 and 3 in person

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents

Through: Ms.Purnima Malik, Advocate for
Mr.Avi Singh, ASC for the State with
ASI Diwan Singh PS Vivek Vihar
Mr.Vikas Ahuja, Advocate for R-2
with R-2 in person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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22.11.2017

CRL.M.A.Nos.19254/2017 & 19255/2017

Exemption allowed, subject to all just exceptions.

Applications stand disposed of.

W.P.(CRL) 3280/2017

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.0233/2014 under Sections 498-A/406/34 IPC registered at PS Vivek Vihar, 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 April, 2008 according to Hindu rites and ceremonies. Out of the said wedlock, one female child was born. Due to temperamental differences, the parties were living separately from each other since 31st July, 2013. 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 elder family members, the parties arrived at an amicable settlement at the Mediation Center, Karkardooma Courts and the copy of the mediation settlement dated 15th July, 2016 is annexed along with this petition as Annexure 'B'.

4. As per the terms of mediation settlement, 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), permanent alimony and daughter 'P' (name withheld to protect the identity) for a total sum of ₹20,00,000/- (Rupees Twenty Lacs only), which shall be paid in the following manner:

- (i) ₹5,00,000/- at the time of withdrawal of petition under Section 125 Cr.P.C. and case under Section 12 of D.V.Act
- (ii) ₹5,00,000/- at the time of recording statement of the parties in the First Motion Petition.
- (ii) ₹5,00,000/- at the time of recording statement of the parties in the Second Motion Petition.
- (iii) ₹5,00,000/- 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 19th July, 2017

by a decree of divorce by mutual consent passed by the Principal Judge, Family Court, Shahdara, Karkardooma Courts, Delhi.

6. Petitioner Nos.1 and 3 are present today along with their counsel. On behalf of the State it is submitted that charge-sheet has been filed only against petitioner No.1, the husband; petitioner No.2, the father-in-law and petitioner No.3, the mother-in-law and not against petitioner Nos.4 to 6.

7. Learned counsel for the petitioners submits that petitioner No.2, Sh.Lok Nath Chugh has already expired and copy of death certificate is also annexed with this petition at page 54 of the paper book. 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 a sum of ₹4,55,000/- and ₹45,000/- in cash (total ₹5,00,000/-) which was to be paid at the stage of quashing of case FIR No.0233/2014 under Sections 498-A/406/34 IPC registered at PS Vivek Vihar, Delhi.

8. 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 ₹ 4,55,000/- and ₹45,000/- in cash from the Petitioners. Respondent No.2 further submits that she has no objection if the FIR in question is quashed qua the Petitioners.

9. 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.

10. 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 futility and wastage of precious time of the Court.

11. Accordingly, in terms of the settlement case FIR No.0233/2014 under Sections 498-A/406/34 IPC registered at PS Vivek Vihar, Delhi and consequential proceedings arising therefrom are hereby quashed.

Order dasti, as prayed.

PRATIBHA RANI, J.

NOVEMBER 22, 2017

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