

\$~20

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

+ **W.P.(CRL) 3395/2017**

DEEPAK SHARMA & ORS

..... Petitioners

Through: Mr.S.S.Rawat, Advocate with
petitioners in person

versus

THE STATE GOVT OF NCT OF DELHI & ANR

..... Respondents

Through: with SI Vijay Kumar PS Mayur Vihar
Mr.Ram pal Singh, Advocate for R-2
with R-2 in person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

%

04.12.2017

CRL.M.A.19994/2017

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 3395/2017

1. This 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 case FIR No.554/2015 under Sections 498-A/406/34 IPC registered at PS Mayur Vihar Phase-I, 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 petitioner No.1 got married to respondent No.2 on 5th February, 2014 according to Hindu rites

and ceremonies. Due to temperamental differences, the parties were living separately from each other since 29th June, 2014. 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 respondent No.2 had also filed petitions under Section 125 Cr.P.C. for maintenance against the petitioner No.1 and under Section 12 of The Protection of Women from Domestic Violence Act, 2005.

4. During the pendency of proceedings of the maintenance petition, the parties were referred to the Counseling Cell of Family Court where they have arrived at an amicable settlement and the copy of the settlement dated 22nd November, 2016 is annexed along with this petition as Annexure P-10.

5. As per the terms of 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) and permanent alimony for a total sum of ₹4,30,000/- (Rupees Four Lacs Thirty Thousand only).

6. It is also mentioned in the petitions that the marriage between the petitioner No.1 and respondent No.2 has been dissolved on 31st July, 2017 by a decree of divorce by mutual consent passed by the Principal Judge, Family Court, East District, Vishwas Nagar, Delhi.

7. Petitioners are present today along with their counsel. In terms of full and final settlement arrived at between the parties, it is submitted by learned counsel for the Petitioners that amount of ₹1,30,000/-, which was to be paid at the stage of quashing of case FIR No.554/2015 under Sections 498-A/406/34 IPC registered at PS Mayur Vihar Phase-I, Delhi, has been

electronically transferred in the account of Respondent No.2 yesterday.

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, she has already received the balance amount of ₹ 1,30,000/- 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.554/2015 under Sections 498-A/406/34 IPC registered at PS Mayur Vihar Phase-I, Delhi and consequential proceedings arising therefrom are hereby quashed.

Order dasti, as prayed.

PRATIBHA RANI, J.

DECEMBER 04, 2017

'pg'