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

+ **W.P.(CRL) 3382/2017**

PUSHPENDER DAHIYA & ORS Petitioners

Through: Mr.Kanwar Kochhar, Advocate with
petitioners in person

versus

STATE (NCT OF DELHI) & ANR Respondents

Through: Mr.Ashish Aggarwal, ASC for the
State with SI Dharamvir Singh, PS
CWC Nanakpura
Mr.Udham Singh, Advocate for R-2
with R-2 in person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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01.12.2017

CRL.M.A.No.19876/2017

1. Exemption allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(CRL.) 3382/2017

1. By way of this petition filed under Article 226/227 of the Constitution of India, read with Section 482 Cr.P.C., the petitioner is seeking quashing of the FIR No.213/2016, under Sections 498-A/406/34 IPC, registered at PS Crime (Women) Cell, Nanak Pura and subsequent proceedings arising thereupon.
2. Notice. Learned ASC as above accepts notice on behalf of the State.

3. Briefly stating the facts of the present petition, the marriage between petitioner No.1 and respondent No.2/complainant was solemnized on 21st January, 2014 according to Hindu rites and ceremonies. Due to some temperamental differences between the parties, the marriage between the parties broke irretrievably and the petitioner No.1 and respondent No.2 started living separately since 20th March, 2016. The respondent No.2 registered a complaint against the petitioners bearing FIR No.213/2016, under Section 498-A/406/34 IPC, at PS Crime (Women) Cell, Nanak Pura, Delhi.

4. With the intervention of the well wishers, relatives and common friends, the parties have resolved all their disputes amicably and have entered into Settlement/Agreement dated 12th April, 2007, executed before Delhi Mediation Centre, Rohini District Courts, Delhi, copy of which is annexed with the petition as Annexure-B.

5. Learned counsel for the petitioners submit that as per settlement/agreement between the parties, ₹26 lakhs towards *istridhan* dowry, maintenance (past, present and future) and permanent alimony etc. is agreed to be paid by petitioner No.1 to respondent No.2. Out of the said amount ₹21 Lakh has already been paid by the petitioner No.1 to the respondent No.2 and remaining ₹5 lakh is agreed to be paid before this Court at the time of quashing of the present FIR.

5. Learned counsel for the petitioners submit that parties have already separated by way of Decree of Divorce on 1st November, 2017 and have settled their disputes with each other. The balance amount of ₹5 lakh has been paid to the respondent No.2 today in the Court, hence, no useful purpose would be served by keeping the present FIR pending and requests

that the FIR in question and the proceedings emanating therefrom may be quashed.

6. Respondent No.2 is present in the Court today and confirms the factum of amicable settlement with the petitioners. She confirms that she has received the amount of ₹21 lakh from the petitioners and has also received the balance amount of ₹5 lakh today in the Court. She submits that she does not wish to continue criminal proceedings against the petitioners and has no objection if the FIR in question and all consequent proceedings arising therefrom are quashed.

7. In view of the aforesaid amicable settlement/agreement arrived at between the parties, I am of the considered view that no useful purpose would be served by continuing with the FIR/criminal proceedings against the petitioners, which will only be an exercise in futility and wastage of precious time of the Court.

8. Accordingly, the petition is allowed and FIR No.213/2016, under Section 498-A/406/34 IPC, at PS Crime (Women) Cell, Nanak Pura, Delhi and all the proceedings arising therefrom are hereby quashed.

Order *dasti*.

PRATIBHA RANI, J.

DECEMBER 01, 2017

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