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

+ CRL.M.C. 5391/2017

BRIJ MOHAN CHAUHAN & ORS Petitioners

Through: Mr.M.K.Saroja, Advocate with
petitioners in person

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents

Through: Mr.Mukesh Kumar, APP for the State
with ASI Sushil Kumar, PS Tilak
Nagar
Mr.Alayamma E.T. (Nisha),
Advocate for R-2 with R-2 in person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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20.12.2017

CRL.M.A.21064/2017

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 5391/2017

1. This petition has been filed by the Petitioner under Section 482 Cr.P.C. for quashing of case FIR No.774/2014 under Sections 498-A/406/34 IPC registered at PS Tilak 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 No.1 on 13th November, 2013 according to Hindu

rites and ceremonies. Due to temperamental differences, the parties were living separately from each other since April 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 charge-sheet in the above noted FIR has been filed and the case is pending before the Court of learned Metropolitan Magistrate, Tis Hazari Courts, Delhi. During the pendency of above proceeding, the parties amicably settled their dispute before the Counseling Cell, Rohini Court, Delhi on 15th December, 2016 and copy of the same has been annexed with this petition as Annexure P-3.

4. As per the Settlement, 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 *stridhan* articles, maintenance (past, present and future) for a total sum of ₹5,00,000/-. As per the settlement, the petitioner agreed to pay the settled amount of ₹5,00,000/- in the following manner:

(i) ₹1,70,000/- 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) ₹1,70,000/- at the time of recording statement of the parties in the Second Motion Petition.

(iii) ₹1,60,000/- at the time of quashing of FIR in question.

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

6. 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 ₹ 1,60,000/- from the Petitioners. Respondent No.2 further submits that she has no objection if the FIR in question is quashed qua the Petitioners.

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.774/2014 under Sections 498-A/406/34 IPC registered at PS Tilak Nagar, Delhi and consequential proceedings arising therefrom are hereby quashed.

Order dasti, as prayed.

PRATIBHA RANI, J.

DECEMBER 20, 2017

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