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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 801/2018 & CRL.M.A. 2919/2018**

ARJUN SINGH & ORS

..... Petitioner

Through: Mr. Surinder Singh, Adv.

versus

THE STATE GOVT OF NCT OF DELHI & ANR..... Respondent

Through: Mr. Kamal Kr. Gheir, APP for State
SI Suresh Kumar, PS Ambedkar
Nagar.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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16.02.2018

Vide the present petition, the petitioner seeks quashing of FIR No. 292/2016, PS Ambedkar Nagar, under Sections 498A/406/34 Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties vide a mediation settlement dated 11.09.2017 arrived at the Mediation Centre, Saket Courts, New Delhi. It has been submitted on behalf of the parties that a sum of Rs. 1.50 lakh has already been paid to the respondent no.2 in terms of Clause 4 of the said settlement agreement and the balance sum of Rs. 1.50 lakh is sought to be paid on behalf of the petitioner to the respondent no.2 today.

It has been submitted on behalf of the State and as brought forth on a perusal of the Mediation Settlement dated 11.09.2017 vide Clause 14 of the said settlement agreement, the marriage between the

petitioner no.1 and the respondent no.2 was to be declared null and void within 90 days from the date 11.09.2017 with the respondent no.2 having agreed to co-operate in the declaration of the nullity of the marriage.

Learned counsel for the petitioner submitted a copy of the order dated 15.02.2018 of the Court of the Principal Judge, Family Courts, South, Saket, New Delhi submitting to the effect that vide the said order the learned Family Courts has observed to the effect that the petitioner thereof i.e. the respondent no.2 to the present petition had submitted that she did not want to pursue the petition and the same may be dismissed as withdrawn and she wanted to file a fresh petition seeking divorce through mutual consent under Section 13(B)(1) of the Hindu Marriage Act, 1955 and thus the petition was dismissed as withdrawn.

The respondent no.2 present today in Court affirms that she opposes the prayer for nullity of the marriage and submits that she seeks a divorce through mutual consent. It is apparent that the present petition which is filed on the basis of a settlement dated 11.09.2017 cannot presently be allowed.

It has been submitted by the respondent no.2 that in the event of the marriage between her and the petitioner no.1 being dissolved vide a decree of divorce through mutual consent, she would not oppose the quashing of the FIR in question.

The petition as observed hereinabove in its present form cannot survive.

Learned counsel for the petitioner seeks to withdraw the present petition with liberty to file it afresh on the basis of a fresh settlement

recorded between the parties when a mutual consent divorce between the petitioner no.1 and the respondent no.2 is arrived at.

The petition is dismissed as withdrawn with liberty granted, as prayed.

ANU MALHOTRA, J

FEBRUARY 16, 2018
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