

15# \$~

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

+ **W.P.(CRL) 1801/2018**

LOKESH SHARMA & ANR

..... Petitioners

Represented by: Mr. Paramveer Singh and Mr.
Yashvir Kumar, Advocates
with petitioner No.1 in person.

versus

THE STATE & ANR

..... Respondents

Represented by: Mr. R.S. Kundu, Additional
Standing Counsel for State with
Ms. Suman Saharan and Mr.
Bhagat Singh, Advocates with
ASI Tejram, PS Najafgarh.
Ms. Neelam Chauhan and Mr.
Yudhvir Singh Chauhan,
Advocates for respondent No.2
with respondent No.2 in
person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

%

06.07.2018

Crl. M.A. No.11136/2018 (Exemption)

Allowed, subject to all just exceptions.

W.P.(CRL) 1801/2018

1. By this petition the petitioners seek quashing of FIR No.499/2015 under Sections 498A/406/34 IPC registered at PS Najafgarh, Delhi on the complaint of respondent No.2 on the ground that parties have settled the matter.

W.P.(CRL) 1801/2018

Page 1 of 3

2. Respondent No.2 is present in Court and is identified by the learned counsel and the Investigating Officer. Learned counsel for respondent No. 2 states that the respondent No.2 does not wish to proceed with the settlement as arrived at between the parties before the Counselling Cell, Family Courts, Dwarka on 28th August, 2017. This Court even asked the petitioner whether he would be willing to go in for a fresh mediation to which he stated that no useful purpose will be served in the fresh mediation. The terms of settlement between the parties before Counselling Cell broadly were that the petitioner would pay a sum of ₹10 lakhs as two FDRs of ₹5 lakhs each in the name of the two children besides the dowry articles to the complainant as per Annexure-A in full and final settlement of her streedhan, dowry articles, permanent alimony and that he would continue to pay a sum of ₹15,000/- per month as maintenance of the two children which would be deposited in the account of the wife/respondent No.2 at Allahabad Bank, Vikaspuri Branch before 10th of every English Calendar month.

3. Learned counsel for the parties fairly submit that despite the settlement arrived at between the parties even the statement for first motion for divorce by mutual consent has not been recorded between the parties. Learned counsel for the respondent No.2 further states that the maintenance of ₹15,000/- per month for the two children has already been fixed by the learned Metropolitan Magistrate where proceedings under Section 12 of the Protection of Women from Domestic Violence Act are still pending. He further states that the dowry articles received by respondent No.2 are as per the admitted list. Since except for making the FDR for a sum of ₹5 lakhs in the name of minor daughter Mishka Sharma with the respondent No.2 as

guardian, no further steps have been taken by the petitioner, the parties can be restored to their original position. As the parties do not wish to proceed with the terms arrived at between them before the Counselling Cell, the above noted FIR and the proceedings pursuant thereto cannot be quashed.

4. Learned counsel for the petitioner states that the petitioner had withdrawn his petition for divorce which has since been revived as no settlement could be arrived at between the parties. Learned counsel for the respondent No.2 states that proceedings initiated by respondent No.2 are still going on. Thus the parties are at the same stage as they were at the time when the settlement was arrived at except that the petitioner got created a fixed deposit in the name of the minor daughter Mishka Sharma with respondent No.2 as the guardian for a sum of ₹5 lakhs. It would be upto the petitioner to consider whether to keep the FDR alive or in case he would wish to so encash the same as no settlement has finally culminated, the Bank Manager, Allahabad Bank, Vikas Puri Branch would permit the encashment of the said FDR in the name of the petitioner.

5. Petition is accordingly dismissed.

6. Petitioner No.1 and respondent No.2 have signed the order sheet in acknowledgment of their statements made before this Court.

MUKTA GUPTA, J.

JULY 06, 2018
‘vn’