

\$~14

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

Date of decision: 24.12.2019

+ CRL.M.C. 6707/2019

ASHISH KUMAR CHAUHAN & ORS Petitioners

Through: Mr. Aditya Kala, Adv.

versus

STATE & ANR

..... Respondents

Through: Mr. Izhar Ahmed, APP for State
SI Vipin Kumar, PS Kotwali, Delhi
Mr. Sunny Mansingh, Mr. Sumit
Kumar, Advs. for R-2 with
respondent no.2 in person

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

1. Vide the present petition, the petitioners seek quashing of FIR No.505/2014 dated 30.06.2014 registered at Police Station Kotwali and consequent proceedings arising therefrom.
2. Notice issued.
3. Notice is accepted by learned APP for the State and counsel for the respondent no.2 and with the consent of the counsel for the parties, the present petition is taken up for final disposal.

4. The petitioner no.1 and respondent no.2 got married on 22.11.2010 as per Hindu rites and rituals. One girl child namely Hardika was born out of the wedlock on 23.09.2011. The custody of the daughter is with respondent no.2. Due to extreme incompatibilities between the petitioners and respondent no.2, they started living separately since 28.04.2013.

5. The petitioner no.1 and respondent no.2 with the intervention of their well wishers and relatives entered into an amicable settlement deed dated 07.02.2018 before the Delhi Mediation Centre, Tis Hazari Courts, Delhi and settled all their disputes amicably.

6. The total settlement amount is ₹5,50,000/- (Rupees Five Lakhs Fifty Thousand only). It is submitted that the respondent No. 2 has already received an amount of ₹4,00,000/- (Rupees Four Lakhs only). A demand draft bearing No.791539 dated 10.12.2019 for the amount of ₹1,25,000/- (Rupees One Lakh Twenty Five Thousand only) is handed over to the respondent No. 2 today in the Court.

7. Respondent no.2 is present in person and submits that out of the settlement amount of ₹5,50,000/-, an amount of ₹4,00,000/- has already been received by her and further submits that ₹1,25,000/- has been received by her today. She further submits that due to the direction passed by the

Trial Court, the salary of the petitioner was attached and though it was agreed that an amount of ₹25,000/- may be adjusted, however, she prays that the said amount was for her maintenance and the petitioner may be directed to pay an amount of ₹25,000/- in addition to the amount she has already received.

8. Counsel for the petitioner, on instructions, from the petitioner, who is present in person submits that an amount of ₹25,000/- as sought by respondent no.2 shall be paid within two weeks.

9. The petitioner is directed to pay an amount of ₹25,000/- to the respondent no.2 within two weeks and the receipt of the same shall be submitted with the concerned IO.

10. It is made clear that if the amount is not paid, respondent no.2 is at liberty to get revive the present FIR.

11. It is agreed by respondent no.2 that petitioner no.1 may meet his daughter on second and fourth Sunday of every month. Accordingly, respondent no.2 is directed to take her daughter to Darvesh Restaurant at Timarpur at 11 O'clock. The petitioner no.1 will spend one hour with his daughter for four months initially, two hours for next four months and thereafter as per the wish of the child.

12. It is also agreed that on every date of meeting, the petitioner no.1 shall pay an amount of ₹2,000/- to his daughter for her school expenses.

13. The complainant is present in person with her counsel and has been identified by SI Vipin Kumar of Police Station Kotwali and submits that matter has been settled and she does not wish to prosecute the matter any further.

14. Taking into account the aforesaid facts, this Court is inclined to quash the FIR as no useful purpose would be served in prosecuting the petitioners any further.

15. For the reasons afore-recorded, FIR No.505/2014 dated 30.06.2014 registered at Police Station Kotwali and consequent proceedings emanating therefrom are quashed.

16. The petition is allowed accordingly.

17. Order *dasti*

(SURESH KUMAR KAIT)
JUDGE

DECEMBER 24, 2019/ms