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

*Date of decision: 05.11. 2019*

+ CRL.M.C. 3060/2019

VINOD K. JANGID & ORS

..... Petitioners

Through

Mr. Bhagat Singh, Adv.

versus

STATE & ANR

..... Respondents

Through

Mr. Izhar Ahmed, APP for State  
SI Rajnish, PS Sagarpur

Ms. Suman, Respondent no.2 in  
person along with her uncle Sh.  
Phool Chand (*tauji*)

**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, petitioners seek direction thereby quashing the FIR No.224/2015 registered at P.S. Sagarpur, Delhi for the offences punishable under Sections 498A/406/34 IPC and proceedings emanating therefrom.

2. Notice issued.

3. Notice is accepted by learned APP for the State.

4. With the consent of the counsel for the parties, the present petition is taken up for final disposal.

5. The facts of the case are that the marriage between the petitioner

no.1 and respondent no.2 was solemnized on 12.04.2011, at Rajasthan. There is no child born out of this wedlock. However, thereafter due to incompatibility between petitioner no.1 & respondent no.2, they started living separately since 23.08.2014. After separation, the respondent no.2 came to Delhi and lodged a complaint against the petitioners which culminated into the aforesaid FIR.

6. The respondent no.2 instituted two more cases in Delhi, one under Section 125 Cr.P.C. before the Family Courts at Patiala House Courts, Delhi and another case under the provisions of PWDB Act before the Metropolitan Magistrate, at Patiala House Courts, Delhi. Petitioner no.1 also filed a divorce petition before the Family Courts at Jaipur. The said case was registered as Case No.20/2015.

7. Further, during the pendency of the aforesaid case, the parties were referred to mediation under the aegis of the Family Courts at Jaipur. During the mediation proceedings, petitioner no.1 and respondent no.2 settled all their disputes vide settlement dated 16.03.2019 and claims arising out of their matrimony. The terms of settlement were duly recorded by them in the first motion of divorce. In pursuance to the said settlement, the petitioner no.1 and respondent no.2 applied for divorce

through mutual consent before the Family Courts at Jaipur where the first motion was accepted on 16.03.2019.

8. Learned counsel for the petitioners submits that as per the settlement, petitioner no.1 has to pay an amount of ₹.8,25,000/- to the respondent no.2 which has already been deposited by way of demand draft, before the Family Courts, Jaipur on 18.09.2019, in terms of order dated 17.09.2019. Further submits that the said amount shall be released to the respondent no.2 pursuant to quashing of the aforementioned FIR and recording of her statement before the Family Courts, Jaipur giving her consent for the second motion.

9. Respondent no.2, who is present in the Court along with her uncle (*tauji*) Sh. Phool Chand, and has been identified by the IO/SI Rajnish, states that though the matter has been settled with the petitioners, she has not yet received the settled amount. She further submits that as agreed, she will withdraw all the cases filed by her against the petitioners and she prays before this Court that the petitioners be also directed to withdraw all the cases filed against her by them, except for the divorce petition at Family Courts, Jaipur.

10. In view of the settlement arrived at between the parties, I hereby

quash the FIR No.224/2015 registered at P.S. Sagarpur, Delhi for the offences punishable under Sections 498A/406/34 IPC and proceedings emanating therefrom. However, it is made clear that the parties shall withdraw their respective cases on the very first date coming before the court concerned.

11. Family Courts, Jaipur is directed to release the amount deposited with it by the petitioners, in form of the demand draft, in favour of the respondent no.2, subject to recording her statement giving her consent for the second motion.

12. I hereby make it clear that no case shall remain pending against either party and if any of the party violates the order of this Court, it will be viewed seriously and action as per law shall be taken.

13. With these observations, the instant petition stands disposed of.

14. Order *dasti* under signatures of the Court Master.

**(SURESH KUMAR KAIT)**  
**JUDGE**

**NOVEMBER 05, 2019/sm**