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

+ CRL. M.C. 1587/2020

VICKY CHHABRA & ORS.

..... Petitioners

Through: Mr. Joel & Mr. Amit Dwivedi, Advs.

Versus

STATE OF DELHI & ANR.

..... Respondents

Through: Ms. Manjeet Arya, Ld. APP with
Investigating Officer (appearance not
given)

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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11.09.2020

This matter is being heard through Video Conferencing.

1. This is a petition filed by Vicky Chhabra and his father and mother seeking the following reliefs:-

“It is, therefore, most respectfully prayed that this Hon’ble Court may be pleased to pass the following order / orders:-

(a) Quash the FIR No.786/2014 registered under Section 498A/406/34 IPC, 1860, P.S. Nihal Vihar, District West Delhi on 08.12.2014 and all the proceedings arising thereof;

Pass such and further order/orders as this Hon’ble Court may deem fit and proper in the interest of justice.”

2. The petition is supported by affidavit of the petitioner Nos. 1, 2 and 3 and also of Meenakshi-the respondent No.2. The parties have been identified by the Investigating Officer.

3. The facts as noted from the petition are that marriage between the petitioner No.1 and respondent No.2 was solemnized on April 21, 2014. Irreconcilable differences arose between the petitioner No. 1 and respondent No.2 since August 09, 2014. On the complaint of respondent No.2, an FIR No. 786/2014 dated December 08, 2014 was registered against the petitioners namely Vicky Chhabra, Tek Chand Chhabra and Urmil Chhabra, under Section 498A/406/34 IPC at Police Station, Nihal Vihar.

4. It is noted, pursuant thereof, the parties were referred to the mediation process under the aegis of Delhi Mediation Centre, Tis Hazari Courts and on October 01, 2019 parties have settled their differences by agreeing as under:-

“XXXX XXXX XXXX

3. *It has been agreed between the parties that the above said settlement amount has been agreed to be paid in the installments, in the following manner:-*

(i) *1st installment of Rs.10,000/- (Rupees ten thousand only) shall be paid by way of cash/ DD before the concerned Ld. Family Court at the time of recording statements of the parties in first motion petition for mutual divorce which shall be filed on or before 31.10.2019.*

(ii) *2nd installment of Rs.10,000/- (Rupees ten thousand only) shall be paid by way of cash / DD at the time of recording of the statements of both the parties at second motion petition for divorce by mutual consent, which shall be filed on or before 30.11.2019.*

(iii) 3rd installment of Rs.30,000/- (Rupees thirty thousand only) shall be paid by way of DD to the complainant / wife at the time of quashing of FIR (mentioned above). The petition for quashing of FIR shall be moved within 20 days after passing of decree of divorce. It is undertaken by the complainant that she shall cooperate to give statement and affidavit / NOC before Hon'ble High Court of Delhi for quashing of present FIR.

4. It is agreed between the parties that the complainant / wife shall withdraw all the cases as mentioned above from the courts concerned within 15 days after recording statements in second motion.

5. It is further agreed between the parties that after this settlement, both the parties shall be left with no right, title or interest in the movable or immovable properties of each other or their family members and both the parties shall not file any case, complaint or litigation against each other in future pertaining to the present marriage.

6. That in case of default from either side in carrying out the terms of this settlement, He / she shall be liable to pay a sum of Rs.20,000/- (Rupees twenty thousand only) by way of penalty / compensation to the other side besides refunding / returning / forfeit the benefit received hereunder.

7. It is agreed between the parties that they will not interfere in the lives of each other and shall part ways amicably.

8. This settlement is arrived at between the parties voluntarily, without there being any pressure, coercion or threat or undue

influence of any kind and contents of the same have been read over to the parties in vernacular.”

5. It is also noted that the parties have filed a petition under Section 13(2) of the Hindu Marriage Act, 1955 and pursuant to the second motion, the concerned Court vide its decision dated January 23, 2020 has dissolved the marriage between the petitioner No.1 and respondent No.2.

6. On a specific query to Ms. Meenakshi, she states that she has settled the disputes with the petitioners and even the marriage has been dissolved. She has also received the money in terms of the Settlement Agreement dated October 01, 2019. She states, as no disputes subsist, the FIR registered against the petitioners be quashed.

7. Ms. Manjeet Arya, Ld. APP appearing for the State would submit, from the record, it transpired that the marriage has been dissolved and the parties have settled their inter-se disputes.

8. Noting the fact that the disputes between the parties have arisen pursuant to a marriage between petitioner No.1 and respondent No.2 and they having settled their disputes and also the marriage has been dissolved, this Court is of the opinion that it is unjustifiable to continue with the FIR. Accordingly, the FIR No. 786/2014, under Sections 498A/406/34 IPC dated December 08, 2014, PS Nihal Vihar, District West Delhi registered against the petitioners and the connected proceedings emanating there from are quashed. Petition is disposed of.

V. KAMESWAR RAO, J

SEPTEMBER 11, 2020/ak