

via Video-conferencing

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

+ **W. P. (CRL.) 1361/2020**

DHARMINDER KUMAR & ORS.Petitioners
Through: Mr. Suraj Prakash Sharma, Advocate.

versus

THE STATE (N.C.T. OF DELHI) & ANR. Respondents
Through: Ms. Richa Kapoor, ASC for the State
with S.I. Shailendra Tiwari, I.O.
Mr. Ashish Chaudhary, Advocate for
respondent No.2 with respondent No.2
in-person.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER
% **09.09.2020**

Crl. M.A. No.11958/2020 (exemption)

Exemption allowed, subject to just exceptions.

W.P. (Crl.) 1361/2020

By way of this petition, petitioners Nos. 1 to 5 who are the husband, father-in-law, mother-in-law, brother-in-law and sister-in-law of respondent No.2/wife seek quashing of FIR No. 559/2018 dated 27.11.2018 registered under sections 498A/406/34 IPC at PS: Ghazipur

and all proceedings emanating therefrom, based on a mediated settlement arrived at *vidé* settlement dated 19.09.2019 under the aegis of Delhi Mediation Centre, Karkardooma Courts, Delhi.

2. All the petitioners except Sh. Beni Ram have joined the video-conference hearing alongwith their counsel Mr. Suraj Prakash Sharma, who has identified them. Mr. Sharma submits that petitioner No. 2 Sh. Beni Ram, who is the father-in-law, is in the I.C.U. but that he has received instructions from petitioner No. 2 with regard to settlement of the present matter.

3. Ms. Richa Kapoor, learned ASC appears on behalf of respondent No.1/State.

4. Ms. Savitri/respondent No. 2 is also present alongwith her counsel Mr. Ashish Chaudhary who has identified her.

5. The court has interacted with the parties, in particular with respondent No. 2/Ms. Savitri, who confirms that *vidé* mediated settlement dated 19.09.2019 she has resolved all her disputes with the petitioners; that she has dissolved her marriage with petitioner No. 1 by mutual consent and a divorce decree dated 17.01.2020 has since been passed; that in full and final settlement of all her claims including for maintenance, *stridhan*, dowry articles, jewellery, permanent alimony etc., she has received a sum of Rs. 4.50 lacs, with the last tranche of Rs. 1.50 lacs having been received today by way of a demand draft; that all other aspects of the settlement have already been performed, including the withdrawal of her complaint under section 12 of the Domestic Violence

Act; and that as per the settlement, having received the last tranche of Rs. 1.50 lacs, respondent No. 2 has no objection to quashing of the subject FIR. Respondent No. 2 has also confirmed that there is no child born from the wedlock and there is nothing further pending between the parties.

6. The Investigating Officer of the case S.I. Shailendra Tiwari is also present at the video-conference hearing and has identified all the parties and confirms that the matter has been settled.

7. The petition is also supported by the affidavits of all petitioners as also of respondent No. 2 alongwith proofs of I.D.

8. In the circumstances, this court sees no reason why the subject FIR alongwith all proceedings emanating therefrom should not be quashed.

9. Accordingly, in keeping with the decision of the Supreme Court in ***Narinder Singh & Ors. vs. State of Punjab & Anr.*** reported as (2014) 6 SCC 466, the FIR No. 559/2018 dated 27.11.2018 registered under sections 498A/406/34 IPC at PS: Ghazipur and all proceedings arising therefrom are hereby quashed.

10. Writ petition is disposed of in the above terms.

11. Other pending applications, if any, also stand disposed of.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 09, 2020

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