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

+ **W.P. (CRL.) 1408/2020 & CRL. M.A. No. 12252/2020**

HEMANT JAIN & ANR.

..... Petitioners
Through : Ms. Kirti Madan, Advocate for
Petitioner No. 1.
Mr. Salim Akhtar, Advocate for
Petitioner No. 2.
Petitioners in-person.

versus

THE STATE OF
NCT OF DELHI & ANR.

..... Respondents
Through : Mr. Amit Peswani, Advocate
for Ms. Nandita Rao, ASC for
State along with S.I. Laukesh
Kumar, PS : Preet Vihar, Delhi.
Mr. Mohit Singh, Advocate for
respondent No. 2.
Respondent No. 2 in-person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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07.09.2020

CRL. M.A. No. 12252/2020 (for exemption)

Exemption is granted, subject to just exceptions.

The application stands disposed of.

W.P. (CRL.) No. 1408/2020

The petitioners, who are the husband and the mother-in-law respectively of respondent No. 2/wife, seek quashing of FIR No. 202/2018 dated 16.10.2018 registered under sections 498-A/406/34

IPC at PS : Preet Vihar, Delhi, on the ground that the parties have resolved their disputes that arose from a matrimonial relationship through mediation; that petitioner No. 1 and respondent No. 2 have taken divorce by mutual consent; and that one of the elements of the mediated settlement is that the present FIR would be quashed by a consent petition.

2. Ms. Kirti Madan and Mr. Salim Akhtar, learned counsel are present on behalf of petitioners Nos.1 and 2 respectively.

3. Mr. Amit Peswani, learned counsel appears on behalf of Ms. Nandita Rao, learned ASC for the State/respondent No. 1.

4. Mr. Mohit Singh, learned counsel is present on behalf of respondent No.2/wife.

5. The petition is supported by affidavits of petitioners Nos. 1 and 2 as also of respondent No. 2.

6. Petitioner No. 1's father is stated to have passed away earlier-on. No child was born from the wedlock.

7. A copy of mediation report/settlement dated 14.10.2019 duly signed by all concerned parties and their counsel, as also by the learned Mediator, has been filed along with the petition.

8. In accordance with the terms of settlement, petitioner No. 1 and respondent No. 2 have already dissolved their marriage by mutual consent; and a decree dated 15.02.2020 of dissolution of marriage by mutual consent has also been annexed.

9. As part of the settlement, petitioner No.1 was to pay to respondent No.2 a total sum of Rs.20,00,000/- (Rupees Twenty Lacs) apart from articles as per the list annexed with the mediated

settlement, towards full and final settlement of all her claims towards maintenance, *stridhan*, dowry articles, permanent alimony etc. Counsel confirm that out of this, a total sum of Rs.15,00,000/- (Rupees Fifteen Lacs) already stands paid at the stage of recording statements of the parties in the first motion and second motion in the mutual consent divorce proceedings; and only a sum of Rs.5,00,000/- (Rupees Five Lacs) remains to be paid, which was due at the stage of quashing of the present FIR.

10. The said sum of Rs.5,00,000/- also now stands paid by way of a demand draft, which respondent No. 2 confirms she has received in court today.

11. The court has interacted with the petitioners as also with respondent No. 2. More specifically, respondent no. 2 confirms that she has received the entire sum of money as promised by way of settlement; and that nothing further is due or receivable from the petitioners. She also confirms that she has no objection if the present FIR is quashed.

12. Parties have been identified by their respective counsel. Proofs of ID, by way of copies of the respective Aadhaar cards, have also been annexed with the petition.

13. In the circumstances, in light of the decision of the Supreme Court in *Narinder Singh & Ors. vs. State of Punjab & Anr.* reported as (2014) 6 SCC 466, this court sees no reason why the subject FIR be not quashed.

14. Accordingly, FIR No. 202/2018 dated 16.10.2018 registered under sections 498-A/406/34 IPC at PS: Preet Vihar, along with all proceedings emanating therefrom, is hereby quashed.
15. The writ petition stands disposed of in the above terms.
16. Pending applications, if any, also stand disposed of

ANUP JAIRAM BHAMBHANI, J.

SEPTEMBER 07, 2020

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