

via Video-conferencing

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

+ **W.P.(CRL.) 1479/2020 & CRL. M.A. No. 12867/2020**

**SH. ROHIT KUMAR
& ORS.**

..... Petitioners

Through : Mr. Vipin Mishra, Advocate.
Petitioners in-person.

versus

THE STATE & ANR.

..... Respondents

Through : Ms. Kamna Vohra, ASC for the
State with SHO, PS : GTB
Enclave, Delhi.
Complainant/respondent No. 2/
Ms. Monika in-person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% 18.09.2020

CRL. M.A. No. 12867/2020 (for exemption)

Exemption allowed, subject to just exceptions.

The application stands disposed of.

W.P. (CRL.) No. 1479/2020

The petitioners, who are the ex-husband, father-in-law and mother-in-law respectively of respondent No. 2/ex-wife, seek quashing of FIR No. 91/2019 dated 09.03.2019 registered under sections 498-A/406/34 IPC at PS : GTB Enclave, Delhi, on the basis of settlement dated 10.12.2019 arrived between the parties under the aegis of the Delhi Mediation Centre, Tis Hazari Courts, Delhi.

2. Mr. Vipin Mishra, learned counsel appearing for the petitioners submits that the parties have resolved their *inter se* disputes by way of mediation, whereby a total sum of Rs.3,50,000/- (Rupees Three Lac Fifty Thousand) was to be paid by petitioner No. 1 to respondent No. 2 apart from returning one gold chain and one gold ring, in full and final settlement of all her claims including towards *stridhan*, dowry, maintenance (past, present and future), permanent alimony etc.
3. Parties had further agreed for a divorce by mutual consent.
4. Counsel submits that a sum of Rs.2,50,000/- (Rupees Two Lacs Fifty Thousand) stands paid at the stage of the first motion and the second motion in the mutual consent divorce proceedings; and the last instalment of Rs.1,00,000/- (Rupees One Lac) has been paid today, namely at the time of quashing of the subject FIR.
5. Mr. Mishra also points-out that the marriage between petitioner No. 1 and respondent No.2 stands dissolved by mutual consent *vidé* judgment and decree dated 27.02.2020.
6. It is stated that there is no child born from the wedlock; and no other aspect of the settlement remains actionable or pending.
7. The petition is supported by affidavits of all the petitioners as also of respondent No. 2, where respondent No. 2 has expressed her no-objection to the quashing of the FIR.
8. The petitioners have joined the video-conference hearing. The SHO, PS : GTB Enclave is also present; but he says that the Investigating Officer of the case has since retired and is therefore not present.

9. Ms. Kamna Vohra, learned ASC appears on behalf of the State on advance copy; and submits that the State has no objection if the FIR is quashed by consent.
10. Respondent No. 2 is also present *via* video-conferencing. She has been identified by counsel for the petitioners, since, it is stated that counsel for respondent No. 2 is indisposed today. The court has interacted with her. Respondent No. 2 confirms that her marriage stands dissolved by mutual consent; that she has received Rs.2,50,000/- earlier and has been paid the balance sum of Rs.1,00,000/- by way of a demand draft today, receipt of which she acknowledges. She also confirms that she has no objection to the quashing of the FIR.
11. Copies of proofs of ID of the petitioners and respondent No. 2 have also been annexed with the petition.
12. In view of the above, this court is persuaded that the parties have resolved their *inter se* disputes; and that there is no legal or other impediment to the quashing of the FIR.
13. Accordingly, FIR No. 91/2019 dated 09.03.2019 registered under sections 498-A/406/34 IPC at PS : GTB Enclave and all proceedings arising therefrom are hereby quashed.
14. The writ petition stands disposed of in the above terms.
15. Pending applications, if any, also stand disposed of.

ANUP JAIRAM BHAMBHANI, J.

SEPTEMBER 18, 2020/j