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

+ **CRL.M.C. 2569/2022**

**PRIYASH BHARGAVA & ORS.**

..... Petitioners

Through: Ms. Charu Bahrdwaj, Advocate with  
P-1 and 2.

P-3 and P-4 appeared through V/c.

versus

**STATE (NCT OF DELHI) & ANR.**

..... Respondents

Through: Mr. Raghuvender Verma, APP for  
State and SI Arun, PS Model Town.

*Date of Decision: 21.04.2023.*

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**CORAM:**

**HON'BLE MR. JUSTICE DINESH KUMAR SHARMA**

**J U D G M E N T**

**DINESH KUMAR SHARMA, J. (Oral)**

1. The present petition has been filed under section 482 CrPC seeking quashing of case FIR No.130/2017 registered under section 498A/406/307/313/377/34 IPC and section 4 of Dowry Prohibition Act, 1961.

2. Briefly stated facts of the case are that the parties got married on 04.06.2013 according to Hindu rights and ceremonies. That due to conflicts and difference in attitude Petitioner No.1 and Respondent No.2 could not adjust together and are thereby living separately since march 2017. Thereafter, Respondent No.2 got the above-mentioned FIR registered against all the petitioners. There is no child born out of this wedlock.

3. However it is submitted that now the parties have reached on a settlement on the following terms and conditions

*“A. It is agreed between the parties, that they would file a mutual divorce petition before the Family Court within two week of signing of the present MOU and shall appear before the court to make their statement before the Family Court.*

*B. That the SECOND PARTY undertakes that his mother i.e., Mrs. Meera Bhargava will withdraw the cases, filed under Section 12 of Protection from Women from Domestic Violence Act-2005 pending in IN THE COURT OF MS. UPASANA SATIJA 761-MM/MAHIL, NORTH DISTRICT, Rohini Court Complex, New Delhi 110085 And Case filed Under 156 (3) Cr.P.C. pending in the court of Mr. Mayank Goel 528-MM, North District, Rohini court complex, New Delhi 110085 and Complaint under Senior Citizen Act filed before District Magistrate Alipur, on or before presentation of 2<sup>nd</sup> motion petition.*

*C. That the SECOND PARTY will also withdraw application filed under section 340 Cr.P.C. pending IN THE COURT OF MR. MANU RAI SETHI PRINCIPAL JUDGE, NORTH DISTRICT, Rohini court complex, New Delhi 110085, on or before presentation of second motion petition.*

*D. That the FIRST PARTY had filed cases, under section 12 of Protection from Women from Domestic Violence Act-2005 in Rohini District Court, vide Filling No. 3682/2017 Filling Date 13/04/2017 and 125 Cr.P.C. in Rohini District court, vide Filling No. 186/2017 Filling Date 03/04/2017, Both the cases are dismissed for non-prosecution. The FIRST PARTY is under obligation to withdraw divorce petition No. 865/ 2020 pending before family court, Karkardooma on or before the presentation of second motion divorce petition.*

*E. That it has also been agreed that FIRST PARTY undertakes to sign all affidavit, application or petition for quashing of the FIR after recording statements of SECOND*

*motion.*

*F. That is has also been agreed that after recording of statements of parties in the SECOND motion and after passing of decree of divorce by mutual consent, the SECOND PARTY shall file the quashing petition before Hon'ble Delhi High Court for quashing of the FIR bearing No. 130/17, dated 04/04/2017 P.S. Model Town, as per the law, which is pending in the court of Mr. Rakesh Kumar III, Additional Session Judge, North District, Rohini Court Complex, New Delhi 110085, and the FIRST PARTY undertakes to co-operate in the process of quashing of the said FIR, as per the law, and make necessary statement or affidavit and also appear before Hon'ble High Court.*

*G. The parties shall withdraw all proceedings/ cases/ complaints filed by them against each other or their family members, which they have or have not appraised to each other, on or before filing of second motion petition. Both parties need to share the document showing the closure of proceeding / case / complaint to the other PARTY on or before presentation of 2<sup>nd</sup> motion petition.*

*H. The parties shall not retrograde to comply with the terms of the present MOU and if any PARTY does so, the other PARTY shall have all rights to proceed in the Court of Law as per remedy available to him/her, not limited to withdrawing or challenging the divorce from/in the court of law.*

*I. The either PARTY shall not raise any claim or right over the properties (immovable or movable) of the other PARTY or his/her parents and relatives in future under any enactment prevailing or any enactment made in future, under any prevailing or future circumstances.*

*J. The either PARTY shall not file any other civil/criminal cases or other complaints relating to matrimonial dispute or arising out of this marriage against the other PARTY or his family members within the jurisdiction in India, or abroad.*

*K. Apart from above complaints, if either PARTY has initiated any complaint or a case before any*

*authority/commission/tribunal against other PARTY or his/her family members in Delhi or any part of India without the knowledge or in knowledge of other PARTY then that complaint/case must be withdrawn before presentation of second motion.*

*L. That after the grant of divorce by mutual consent, since the matrimonial relationship of the parties cease to exist, the parties and their family members shall not initiate any legal proceedings including sending notices, filing complaints, etc. against each other arising out of this matrimonial relationship except the right created under this "MOU".*

4. The marriage has already been dissolved by the learned Family Court by order dated 25.04.2022. The complainant states that she has not received any money from the petitioner. However, she states that she has since remarried and is living peacefully with her husband. Complainant states that she has entered into the settlement for her peace of mind and to live her life happily with her husband.

5. It has repeatedly been held by the Apex Court that in the matrimonial disputes, if the parties have settled the matter between themselves amicably, it is the duty of Courts to encourage the same. Reliance can be placed on ***B.S. Joshi v. State of Haryana, (2003) 4 SCC 675; Yashpal Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another; 2019 SCC OnLine Del 8179***

6. I consider that there would be no purpose of continuing with the trial as the parties have entered into the settlement voluntarily without any fear, force and coercion, and have decided to give quietus to the proceedings. It was a matrimonial dispute which has now been settled.

7. In view of the facts and circumstances the Case FIR No.130/2017

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registered under section 498A/406/307/313/377/34 IPC and section 4 of Dowry Prohibition Act, 1961 and all the other proceedings emanating therefrom is quashed. However, I consider that in this case some cost should be imposed upon the petitioner. Hence each of the petitioners are directed to deposit Rs. 10,000/- with Delhi State Legal Authority within four weeks.

**DINESH KUMAR SHARMA, J**

**APRIL 21, 2023/AR**

