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

+ CRL.M.C. 2623/2022

RINKU KUMAR & ANR.

..... Petitioners

Through: Mr.Shashank Sharma, Advocate with
petitioners in person.

versus

STATE GOVT. OF NCT OF DELHI AND ANR. Respondents

Through: Mr.Digam Singh Dagar, APP for the
State.

WSI Kailash and ASI Satyapal, PS
Moti Nagar.

Mr.S.C.Sharma, Adv. with R-2 in
person.

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Date of decision: 06.04.2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. Present Petition has been filed seeking quashing of FIR No. 435/2019 registered under section 498A/406/34 IPC at PS Moti Nagar.
2. Briefly stated facts of the case are that the parties got married on 28.04.2019 according to Hindu rites and ceremonies. Due to temperamental differences the parties have been living separately since 21.06.2019. There is no child born out of this wedlock. Owing to the differences Respondent No. 2 got registered the present FIR No. 435/2019.



3. It is submitted that during the pendency of the cases the parties entered into an amicable settlement before Mediation Center, Tis Hazari, vide settlement deed dated 23.08.2021, therefore the present FIR maybe quashed along with all the other proceedings emanating therefrom.

4. The terms of the settlement deed dated 23.08.2021 are as follows :-

“1. That due to long separation and temperamental differences between the parties, there are no prospects of reunites: of matrimony. The parties therefore have mutually decided to part ways peacefully. The respondent has undertaken to pay a total sum of Rs. 4,00,000/- (Rupees Four Lakh only) & the specified dowry articles to the petitioner by way of full and final settlement of the dispute including the remaining dowry articles, claim towards mist, present and future maintenance, permanent alimony, right of inheritance and other receivables.

2. That the respondent has committed to return the following dowry articles to the petitioner within 15 days hereof against receipt:-

1. Sofa-cum-bed : 1

2. Almirah : 1 (including cloths of petitioner)

3. Utensils Set : 1

4. Bed Sheets : 2

3. That the Divorce Petition on the ground of mutual consent i.e. first motion petition shall be filed by the parties within four weeks from today. At the time of recording their statements of first motion in family Court, the respondent shall pay a sum of Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand only) to the petitioner out of the total settlement amount. by way of Demand Draft/Pay Order drawn in her favour.

4. That the parties shall be moving the divorce petition for second motion within four weeks of finalization of first motion with an application for waiver of statutory period. At the time



of recording of the statements of Second Motion, the respondent shall pay a sum of Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand only) to the petitioner out of the settlement amount. by way of demand-draft/pay order drawn in her favour.

5. That within four weeks of finalization of the second motion, the respondents shall move appropriate petition in the Hon'ble High Court of Delhi urging for quashing the FIR No. 435/2019, PS Moti Nagar in view of the settlement of matrimonial disputes with petitioner. The petitioner has undertaken to co-operate in their said endeavour viz. preparation of the petition, signing, swearing affidavits, appearing in court and making statement etc. The respondent shall be obliged to pay a sum of Rs. 1,00,000/- (Rupees One Lakh only) to the petitioner by way of demand-draft/pay order drawn in her favour before the Hon'ble High Court during said proceedings.

6. That the respondent/husband shall withdraw the pending Divorce Petition from Ld. Concerned Court on or before the first motion petition matures before Ld. Family Court for recording statements of the parties. After carrying out the first motion, the petitioner shall withdraw the referred petition under Sec. 12 of DV Act from Ld. Referral Court and maintenance case under Sec. 125 Cr.PC from Ld. Concerned Family Court, as having been mutually compromised.

7. 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. 1,00,000/- (Rupees One Lakh only) by way of penalty/compensation to the other side besides refunding/returning the benefits received hereunder.

8. That the parties undertake not to interfere or cause obstruction in the individual and family life of each other post grant of divorce, either by approaching themselves or by using any other mode.

9. That on the aforesaid acts being done as stipulated, all disputes, differences between the parties shall stand settled



and satisfied for all times to come and no claim whatsoever shall remain surviving against each other. The parties undertake not to take up or initiate any issue or claim regarding their matrimonial life before any court, forum or authority at any time in future.”

5. The decree of divorce has already been granted vide order dated 13.04.2022.
6. As per the terms of the settlement the total settlement amount was Rs.4 lakhs wherein Rs.3 lakhs have already been paid. The remaining amount has been paid today via a DD No.428392 revalidated on 10.01.2023 in the sum of Rs.1 lakh drawn on Punjab National Bank, Shivaji Marg, Kirti Nagra, New Delhi-10015 in the name of Ms.Aarti Sharma handed over today in court.
7. IO has duly identified the parties.
8. It has repeatedly been held by the Apex Court that in the matrimonial disputes, if the parties have settled the disputes between themselves, the Court should also encourage the same. In the present case, the petitioner No.1 and the respondent No.2 have been residing separately since long. The divorce has taken place between them.
9. 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 been amicably settled.



10. Taking into account the totality of facts and circumstances, the case FIR No. 435/2019 registered under section 498A/406/34 IPC at PS Moti Nagar and all the proceedings emanating therefrom are quashed.

11. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

APRIL 6, 2023

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