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

+ CRL.M.C. 3942/2022, CRL.M.A. 16345/2022

VIJAY CHHEDWAL & ANR. Petitioners

Through: Mr.Vaibhav Bhadana and Mr.Hritwik
Chaudhary, Advocates

versus

STATE NCT OF DELHI THROUGH APP & ANR. Respondents

Through: Mr.Amit Sahni, APP for the State.
SI Tej Ram, PS Uttam Nagar
Mr.S.K.Pathak, Adv. for R-2.

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Date of Decision: 15.03.2023

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 for quashing of FIR No.0862/2016 registered under Section 498A IPC at PS Uttam Nagar.

2. Briefly stated facts of the case are that the present FIR has been lodged on the statement of Meenakshi/respondent no.2 wherein it was alleged that since beginning of her marriage, the behaviour of her husband was not cordial and he was demanding dowry. The allegations have further been made against the mother-in-law, father-in-law and brother-in-law. The allegations regarding physical and mental torture have also been made. However, now the parties have entered into a settlement before the

mediation centre, Dwarka vide settlement dated 31.10.2019 on the following terms and conditions:

“1. That all the abovesaid parties have settled all their claims/disputes with regard to the present case as well as above-mentioned connected cases and marriage between complainant/wife and respondent/husband. It has been agreed between them that the respondent/husband and complainant/wife shall seek divorce by mutual consent.

2. That the respondent/husband has agreed to pay a sum of Rs.1,50,000/- (Rupees one lakh fifty thousand only), towards full and final settlement of all claims of complainant/wife (past,present and future), which the complainant/wife has agreed to accept as such.

3. It has been agreed between the parties that the settled sum of Rs.1,50,000/- (Rupees one lakh thousand only) shall be paid by the respondent/husband to the complainant/wife in three instalments by way of cash/DD, as per the following schedule:

(i) First installment of Rs,50,000/- shall be paid at the time of recording of statement in first motion petition for divorce by mutual consent u/s 13-B(1) of the Hindu Marriage Act, 1955, which shall be filed within one month from today.

(ii) Second installment of Rs, 50,000/- shall be paid at the time of recording of statement in second motion petition for divorce by mutual consent u/s 13-B(2) of the Hindu Marriage Act, 1955, which shall be filed within one month after expiry of minimum statutory period of first motion U/s.13-B(1) of the Hindu Marriage Act, 1955, as per law.

(iii) Third/last installment of Rs.50,000/- shall be made at the time of quashing of FIR No. 862/16,

*Under sections 406/498A/34 IPC, PS Uttam Nagar,
New Delhi, before the Hon'ble High court of Delhi.*

4. It has been agreed between the parties that the petition for quashing of FIR shall be filed by the respondents within two weeks of passing of decree of divorce and the complainant/wife shall cooperate in the said proceedings.

5. That in terms of this settlement, complainant/wife agrees to withdraw the above-mentioned connected case under HMA, before filing of first motion petition for divorce by mutual consent u/s. 13-B(1) of the Hindu Marriage Act, 1955.

6. That the complainant/wife shall withdraw the present case from the Hon'ble Referral Court as well as above-mentioned connected cases mentioned at sl.no.2 & 3 from the Hon'ble Concerned Court, within one week of recording of statement in second motion petition for divorce by mutual consent u/s 13-B(2) of the Hindu Marriage Act, 1955, subject to fulfillment of terms and conditions of this settlement.

7. It has been agreed between the parties hereto that they shall make appropriate statements before the concerned courts/authorities and shall cooperate with each other in all the legal proceedings.

8. It has been agreed between the parties hereto that they shall not file any claim/case against each other or family members related to marriage between complainant/wife and respondent/husband.

9. That the parties hereto shall bear their respective cost of litigation.

10. By signing this settlement, the parties hereto state that they have no further claims or demands against each other with respect to present case as well as above-mentioned connected cases and marriage between

complainant/wife and respondent/husband and all the disputes and differences in this regard have been amicably settled by the parties hereto during the process of mediation and that they shall not initiate any litigation in future against each other in respect of present case as well as above-mentioned connected cases and marriage between complainant/wife and respondent/husband, subject to fulfilment of terms of this settlement.

11. That all the parties named hereinabove shall be bound by the terms and conditions as mentioned above and shall appear before the Hon'ble Referral Court on the date fixed i.e. 30.11.2019 to make a statement in terms of this settlement.

12. In case any of the parties hereto does not abide by the terms and conditions of this settlement, the other party shall be at liberty to take appropriate action as per law.

13. That the contents of this settlement have been explained to the parties in vernacular and they have understood the same. All the abovesaid parties undertake that they have signed the above settlement after going through and understanding the contents and they have settled the dispute between themselves of their own will and without any force, pressure or coercion from any quarter.

3. Respondent no.2 states that she has already received a sum of Rs.1,50,000/- from the petitioners.

4. The marriage of the parties has been dissolved in HMA 371/2021 by the Judge, Family Court, Dwarka vide order dated 09.02.2021 under Section 13-B (2) of HMA.

5. Respondent no.2 has submitted that she has entered into the settlement without any fear, force or coercion. The parties have been identified by the IO.

6. 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.

7. 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.

8. In view of the above, FIR No.0862/2016 registered under Section 498-A IPC at PS Uttam Nagar and all the other proceedings emanating therefrom are quashed.

9. The present petition along with the pending application stands disposed of.

DINESH KUMAR SHARMA, J

MARCH 15, 2023

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