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

+ **CRL.M.C. 7059/2022**

YASHPAL GAUR & ANR.

..... Petitioners

Through: Mr. H. S. Dhawan, Adv. with
Petitioners in person.

versus

STATE & ANR.

..... Respondents

Through: Mr. Digam Singh Dagar, APP for the
State with SI Anita Meena, PS Ahsok
Vihar.

Mr. Raveesh Kumar with Mr. Ashok
Kumar, Advocates for respondent
No.2.

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Date of Decision: 3rd March, 2023.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 5707/2023 (early hearing) in CRL.M.C. 7059/2022

This is an early application seeking hearing of petition bearing
CRL.M.C.7059/2022.

For the reasons stated in the application, the application is allowed.

CRL.M.C. 7059/2022

1. The present petition has been filed under Section 482 Cr. P.C. seeking quashing of FIR No. 307/2014 registered at PS Ashok Vihar under Sections 498A/406 IPC. Chargesheet has also been filed under sections 406/498A/34 IPC.

2. Briefly stated facts of the case are that Respondent No.2/complainant got married to Petitioner No. 1 Yashpal Gaur on 09.02.2011 and remained together with the petitioner till October 2013. One male child namely Master Hardik was born out of this wedlock on 22.06.2012. However, the marriage could not succeed and a mutual divorce petition was filed and decree of divorce was granted vide order dated 20.10.2022 by the learned Principal Judge, Family Court, North West District Rohini, Delhi. She has further stated that during the divorce proceedings, she along with the petitioners have reached into a settlement dated 07.03.2022 at Delhi Mediation Centre, Rohini District Courts, Delhi.

3. The terms and conditions of settlement dated 07.03.2022 reads as follows:

“1) It is mutually settled bet ween the parties that complainant/wife and respondent/husband shall dissolve their marriage by decree of divorce by mutual consent in accordance with law.

2)The respondent/husband shall pay a total amount of Rs.4,00,000/- (Rupees Four Lacs Only) to the complainant/wife as full and final settlement of all her claims arising out of the marriage with respondent/husband which shall include istridhan, permanent alimony, m4intenance (past, present and future) and all other miscellaneous expenses.

3)The settled amount of Rs.4,00,000/- (Rupees Four Lacs Only) shall be paid by way of cash against receipt/DD/RTGS or any other electronic mode by respondent/husband to the complainant/wife as under :-

i)The first motion shall be filed jointly by the parties within 30 days from today.

(ii)Rs.2,00,000/- (Rupees Two lacs Only) at the time of recording of statements in the second motion petition before the Ld. Court, which shall be filed by the parties jointly, as per law.

(iii)Rs.2,00,000/- (Rupees two lacs Only) at the time of quashing of FIR mentioned above before Hon'ble High Court of Delhi, New Delhi and the complainant shall co-operate for the same and quashing petition shall be filed within 15 days of decree of divorce.

4) In terms of the present settlement, complaint shall withdraw the present case as well as connected cases mentioned above, after, first motion but before second motion.

5)Both the parties also undertake not to interfere in the life of each other in future.

6)It is settled that if any of the parties back out from the present settlement, another party will have thy right to revive the cases/complaints from their respective original numbers.

7)It is settled that custody of the child shall remain with the mother and father shall have no visitation rights.

8)After compliance of all the terms of the present settlement there shall remain no case/claim/dispute pending between the parties and that none of the parties shall file any fresh civil or criminal proceedings ,against each other or their family members in future and that if any other case/petition/complaint etc. between the parties is pending in any Court or Authority either against the parties or against their respective family members and whether it is in the knowledge of other party or not, the same shall be withdrawn/got disposed of by the respective party.

Both the parties have settled the present matter voluntarily without any fear, force, coercion, threat, undue influence or extraneous consideration from any quarter concerned. The parties have undertaken to remain bound by the terms and conditions of the settlement.”

4. As per the settlement, her husband/petitioner No.1 has to pay Rs.4,00,000/- towards full and final settlement of the entire dispute and she has already been paid Rs.2,00,000/- at the time of second motion petition. Remaining sum of Rs.2,00,000/- has been received by way of a Demand Draft bearing No.046857 dated 23.12.2022 drawn on State Bank of India. She has stated that she has no objection if FIR No. 307/2014 registered at PS Ashok Vihar under Sections 498A/406 IPC and all other proceedings emanating therefrom are quashed. She has stated that she is making the statement voluntarily against all claims (past, present and future) without any fear, undue influence or coercion.
5. Both the parties have undertaken that the above settlement shall not affect the rights of the child in future.
6. IO has duly identified the parties.
7. It has repeatedly been held by Hon'ble the Supreme court and this court that the courts should encourage the settlement in matrimonial disputes. If the parties have reached on a mutual settlement, the same should be accepted if it has been arrived voluntarily without any fear, force or coercion.
8. I have gone through the mediation settlement. This court considers that the parties have entered into an amicable settlement at their own free

will, without any fear, force or coercion and they should be given an opportunity to lead their lives peacefully. There would be no purpose of continuing with the trial.

9. In view of the submissions of respondent no.2, the case FIR No. 307/2014 registered at PS Ashok Vihar under Sections 498A/406/34 IPC and all the proceedings emanating therefrom are quashed.

10. The present petition stands disposed of.

11. The next date of hearing, i.e., 01.08.2023 stands cancelled.

DINESH KUMAR SHARMA, J

MARCH 3, 2023/Pallavi

