



\$~137

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

+ **CONT.CAS(C) 174/2022 & CM APPL. 1443/2024**

RICHA BHUTANI

..... Petitioner

Through: Ms. Pallavi Vashisht, Advocate.
(M): 8447463019
Email: pallavivashish9july@gmail.com

versus

MANISH BHUTANI

..... Respondent

Through: Mr. S.C. Dhawan, Advocate with
respondent in person.
(M): 9313657548

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
17.05.2024

%

1. The present petition has been filed alleging willful disobedience of the terms of the Mediation Settlement dated 28th January, 2020 arrived at between the parties, wherein in Clause 2(iii), the parties had agreed that the respondent will file a Quashing Petition and pay an amount of ₹10,00,000/- to the petitioner, in the name of the minor child.

2. An application being *CM APPL. 1443/2024* has been filed on behalf of the respondent. By way of the said application, it is stated that on 28th August, 2023, as per the settlement between the parties, in their joint petition for Dissolution of Marriage under Section 13-B (1) and (2) of the Hindu Marriage Act, 1955, the respondent has already handed over an FDR of ₹10,00,000/- to the petitioner in the name of minor son, i.e., Akshit. The



statement of the petitioner was also recorded under the Second Motion Petition on the same date.

3. The respondent, Mr. Manish Bhutani, who is present in person, further submits that in terms of order dated 28th August, 2023 passed in *Crl. M.C. No. 1290/2023*, the matter between the parties, already stands settled.

4. The order dated 28th August, 2023 passed by a Coordinate Bench of this Court in *Crl. M.C. No. 1290/2023*, reads as under:-

“1. The present petition under Section 482 of the CrPC seeks quashing of FIR No. 183/2019, under Sections 498A/406/34 of the IPC, registered at PS Rajouri Garden, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Aakansha Gautam, learned Metropolitan Magistrate, Tis Hazari Courts, New Delhi.

2. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 20.06.2011 as per Hindu Rites and Customs and one male child was born out of the said wedlock.

3. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties resided separately from 28.10.2018. Subsequently, respondent no.2/complainant lodged an FIR against petitioner no. 1 (husband), petitioner no. 2 (father-in-law) and petitioner no. 3 (mother in-law).

4. On 13.02.2020, parties arrived at a settlement and as per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs. 35,00,000/- to the respondent no.2/wife towards full and final settlement of all her claims including istridhan, permanent alimony and maintenance - present, past and future.

5. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 26.02.2021, passed by Ms. Sarita Birbal, Additional Principal Judge, Family Court, West District, Tis Hazari Courts, Delhi. Further, as per the settlement deed, an amount of Rs. 25,00,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 10,00,000/- alongwith interest of Rs. 91,142/- has been deposited in the name of minor child and FDR of the same is handed up in Court today. As per the said settlement, custody of the minor child will be with the respondent no. 2 and the petitioner no. 1 will have visitation rights to meet his son on every second Sunday at Bikaner Restaurant, Rajouri Garden, New Delhi between 3 PM to 4 PM and



petitioner no. 1 or his family shall not claim custody of the minor child in future.

6. Petitioners and complainant/respondent no. 2 are present before the Court and have been duly identified by their respective counsel, as well as the Investigating Officer, SI Ankur, P.S. Rajouri Garden.

7. A receipt bearing no. 0711883 dated 17.04.2023 for Rs. 10,91,142/- deposited with Indian Overseas Bank, Dwarka, Delhi has been handed over to the Complainant/Respondent No.2, who acknowledges the receipt of the same.

8. Learned counsel appearing on behalf of the respondent submits that during the pendency of the present FIR, since the petitioner delayed in filing the present petition, a contempt petition had been filed bearing No. CONT.CAS. 174/2022 and respondent no. 2 undertakes to withdraw the same.

9. The Complainant/respondent No.2 states that the matter has been settled with the petitioners and she has no objection if the FIR is quashed against the petitioners. She further states that all the terms of the settlement have been complied with.

10. In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR is quashed. 11. In Gian Singh v. State of Punjab (2012) 10 SCC 303, Hon'ble Supreme Court has recognized the need of amicable resolution of disputes by observing as under:-

“61. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings.”

12. In view of the aforesaid circumstances, and the fact that the parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 183/2019, under Sections 498A/406/34 of the IPC, registered at PS Rajouri Garden, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Aakansha Gautam, learned Metropolitan Magistrate, Tis Hazari Courts, New Delhi.



13. *In the interest of justice, the petition is allowed, and the FIR No. 183/2019, under Sections 498A/406/34 of the IPC, registered at PS Rajouri Garden, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Aakansha Gautam, learned Metropolitan Magistrate, Tis Hazari Courts, New Delhi, is hereby quashed.*

14. *It is however directed that this order shall not come in the way of the minor child in claiming his rights of inheritance, maintenance, educational & marriage expenses, etc. against any of the parties.*

15. *Petition is allowed and disposed of accordingly.*

16. *Pending application(s), if any, also stand disposed of.”*

5. Perusal of the aforesaid order shows that the petitioner herein, in terms of the settlement between the parties, had undertaken to withdraw the present petition.

6. The respondent, who appears in person, confirms the fact that all the disputes between the parties have already settled.

7. Considering the submissions made before this Court, the present petition is disposed of, as having been satisfied.

MINI PUSHKARNA, J

MAY 17, 2024

C