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

+ **BAIL APPLN. 1812/2024**

ROHIT

.....Petitioner

Through: Mr. Prashant Godara, Mr. Arun Singh
and Ms. Manisha Devi, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP for the
State.
SI Manoj Kumar, PS Nihal Vihar.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

05.07.2024

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1. The present application under Section 439 Cr.P.C has been filed by the Petitioner for grant of regular bail in FIR No.1161/2023 dated 02.09.2023, registered at Police Station Nihal Vihar for offences punishable under Sections 376D/323/34 of IPC.
2. The facts of the case reveal that the proceedings arise out the matrimonial dispute. The Petitioner is the husband of the complainant. FIR No.1161/2023 dated 02.09.2023 has been registered at Police Station Nihal Vihar for offences punishable under Sections 376D/323/34 of IPC. The Petitioner/husband is in custody since 28.09.2023.
3. In the matrimonial proceedings, with the help of Counselling Cell, Family Court, Tis Hazari Court, Delhi, a settlement has been arrived at between the parties. The Settlement Agreement dated 18.03.2024 reads as under:



IN THE COURT OF SH VINAY KUMAR KHANNA LD. PRINCIPAL
JUDGE FAMILY COURT, WEST DISTT. TIS HAZARI, DELHI

COUNSELLING CELL

FAMILY COURT

SETTLEMENT

Suit/Case No. : HMA-870/22

Nature of suit : Sec-9

No. of Counselling Session: 01

Case Received : 18/03/2024

Date of Report :18/03/2024

NDOH : Pending

18/03/2024
Not
F. 11

Petitioner :

XXXXXX

Versus

Respondent :

ROHIT

Process of Counselling explained in detail to the parties with greater emphasis on confidentiality. Heard the parties jointly and separately. They have agreed to settle their matter under following terms and conditions:-

1. That the Petitioner and Respondent have agreed to dissolve their marriage by mutual consent in accordance with law provides U/s 13 (B) of the Hindu Marriage Act.

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2. As agreed between the parties the Husband has already paid to the wife a sum of **Rs.4,50,000 (Rs.Four Lakh fifty thousand Only)** that is for the wife and welfare of the child **and articles (List enclosed)** shall be handed over to wife before second motion as full and final settlement (against istridhan and dowry, maintenance towards past, present and future qua this marriage.
3. It is further agreed between the parties that the Husband will pay **Rs. NIL** the wife at the time of recording of the statement of the First Motion.
4. It is further agreed between the parties that the Husband will pay **Rs. NIL** to the wife at the time of recording of the statement of the Second Motion.
5. It is agreed between the parties that First Motion petition shall be filed on or before 15/04/ 2024 and the Second motion petition shall be filed soon after the completion of the period of the statutory period the order U/s 13 B (1) of HMA or as early as possible.
6. There is one FIR No.1161/2023 under Section 376D IPC, PS. **Nihal Vihar**, is pending against husband where by wife/ Petitioner states that she does not want to pursue this FIR and she is ready to cooperate with respondent for quashing of said FIR. However, quashing of FIR is to be decided by the Hon'ble High Court of Delhi.
7. It is further agreed between the parties that the petitioner/Husband will withdraw the Sec-9 case which is pending in the courts of Sh.Vinay Kumar Khanna,Ld.Principal judge ,family court ,west distt. Tis Hazari court.

Rehmat



8. There is one male child namely Robin aged 3 years old from this wedlock, Who is living with mother. It has been agreed between both the parties that the custody of minor child will be with mother.
9. It has been agreed between both the parties that if any of the parties backs out from settlement agreement after the signing of the same penalty of Rs.2,00,000/-- (Rupees two lacs Only) shall be imposed upon the said party payable to the other party.
10. It is further agreed between the parties that they have understood the terms and conditions of the settlement.
11. It is further agreed between the parties that they shall remain bound with the aforesaid terms and conditions as mentioned in the settlement.
12. All the matters relating to this marriage either civil or criminal are settled and neither the parties nor their relatives shall make any claim against each other in future and will not file any case / complaint against each other and any time future in all court of law / police station etc.
13. The parties have agreed on each and every terms as recorded in the settlement agreement, after carefully reading over and fully understanding and appreciating the contents, scope and effect thereof, as also the consequences of the breach thereof, including payment of the fine/penalty as mentioned above.

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14. The terms and conditions mentioned in the settlement have been understood in vernacular. The above said settlement is arrived at and between the parties out of their own free will, consent and without their being any undue pressure, coercion, influence, misrepresentation or mistaken (both law and fact) in any form whatsoever and the parties agreed that the settlement agreement has correctly recorded the said agreed terms and conditions.

The parties will appear before the concerned Hon'ble Court on 19.02.2024


Signature of Petitioner

Mob. No.


Signature of Respondent

Mob. No.

Identified by Advocate

For the Petitioner

Name Arun Singh

Enroll No. 2/1037/06

Mob. NO. 9990627276

Identified by Advocate

For the Respondent

Name.....

Enroll No.....

Mob. No.


18/3/2024
HIMALI ANAND

PRINCIPAL COUNSELLOR

HIMALI ANAND
Principal Counsellor,
Family Court West District



4. Notice was issued on the application on 21.05.2024. Status report has been filed.
5. Since the parties have entered into an amicable settlement in the matrimonial dispute and the FIR that has been filed by the wife/complainant, this Court is of the opinion that no useful purpose would be served in keeping the Petitioner in custody.
6. The Petitioner is enlarged on regular bail subject to his furnishing a personal bond in the sum of Rs.50,000/- with two sureties of the like amount to the satisfaction of the Trial Court/CMM/Duty Magistrate.
7. The application is disposed of.
8. A copy of this Order be forwarded to the concerned Jail Superintendent for necessary compliance and information.

SUBRAMONIUM PRASAD, J

JULY 05, 2024

S. Zakir