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

+ **CRL.M.C. 4955/2024**

NIKHIL KHANDELWAL & ORS.

.....Petitioners

Through: Mr. R. P. Bharadwaj, Mr. Rahul
Parashar, Mr. Gulbahar Choudhary,
Advts. With petitioners.

versus

STATE (THROUGH GOVT. OF NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Digam Singh Dagar, APP for
State and ASI Om Prakash, PS Sarai
Rohilla.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% **03.07.2024**

CRL.M.A. 18951/2024

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 4955/2024

3. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 0438/2020 under Section 498A/406/34 IPC registered at PS Sarai Rohilla, Delhi.
4. Brief facts of the case are that petitioner No.1 married to respondent No.2 on 05.12.2021 and from this wedlock a female child namely Nysha was born on 05.08.2014.



5. Petitioner No.1 and respondent No.2 started living separately due to temperamental differences since 29.05.2019.
6. Now the parties have reached on a settlement vide mediation settlement dated 26.03.2022 on the following terms and conditions:

“1. That due to long separation and temperamental differences between the parties, there are no prospects of reunion of matrimony. The parties therefore have mutually decided to part ways peacefully. The respondent no. 1/husband has undertaken to pay a total sum of Rs. 13,50,000/- (Rupees Thirteen Lakh Fifty Thousand only) to the complainant/wife by way of full and final settlement of the dispute including dowry articles, claim towards past, present and future maintenance, permanent alimony and other receivables including the properties of parties whether self acquired, ancestral or otherwise.

2. That the Divorce Petition on the ground of mutual consent i.e. first motion petition shall be filed by the parties on or before 15.04.2022 before concerned Family Court. At the time of recording their statements of first motion before Ld. Family Court, the respondent no. 1/husband shall pay a sum of Rs. 2,00,000/- (Rupees Two Lakh only) to the complainant/wife out of the total settlement amount, by way of Demand Draft/ Pay Order drawn in her favour.

3. That the parties shall be moving the divorce petition for second motion within one month 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 no. 1 shall pay a sum of Rs. 2,00,000/- (Rupees Two Lakh only) to the complainant out of the settlement amount, by way of demand-draft/pay order drawn in her favour.

4, That within one month of finalization of the second motion, the respondent no. 1 and his family members shall move appropriate petition in the Hon'ble High Court of



Delhi urging for quashing the FIR No. 438/19, PS Sarai Rohilla, in view of the settlement of matrimonial disputes with complainant. The respondent/husband shall pay a sum of Rs. 2,50,000/- (Rupees Two Lakh Fifty Thousand only) by way of demand draft/pay order drawn in her favour, before Hon'ble High Court of Delhi at New Delhi, during the said proceedings. The complainant has undertaken to co-operate in their said endeavour viz. preparation of the petition, signing, swearing affidavits, appearing in court, as and when required and making statement etc.

5. That it has further been agreed between the parties that during the proceeding before Hon'ble High Court, the respondent no. 1 shall also pay a sum of Rs. 7,00,000/- (Rupees Seven Lakh only) being the balance settlement amount, by way of FDR in favour of Baby Nysha, with maturity date coinciding with the date of majority of the minor child to the complainant. In the event of emergent circumstance or any incurred expenses for the welfare of child, the FDR can be break with the consent of both the parties.

6. That the complainant shall withdraw maintenance petition under Sec. 125 Cr.PC from Ld. Family Court on the next date fixed in the matter i.e. 29.03.2022 and on completion of first motion petition, she shall withdraw the referred petition under Sec. 12 of The Domestic Violence Act from Ld. Referral Court as having been mutually compromised and the respondent shall withdraw the contempt petition from Ld. Concerned Court.

5. 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. 3,00,000/- (Rupees Three Lakh only) by way of penalty/compensation to the other side besides refunding/returning the benefits received hereunder.

6. That the permanent custody of baby Nysha shall be with her mother/complainant. The respondent shall have right to



talk to baby Nysha on Video Call on the last Sunday of every month.

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

8. 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 rake up or initiate any issue or claim regarding their matrimonial life before any Court, Forum or Authority at any time in future. Any case/complaint/representation filed by either of the parties against other shall be treated as revoked/withdrawn/cancelled for all purposes and shall not form any ground for initiation of a new action.

9. That the parties have gone through and fully understood the terms herein before recorded and have confirmed and verified the same to be correct and that they are going to sign it without any mistake, misrepresentation, threat, pressure, coercion or undue influence from any quarter, Both sides undertake to abide by these terms.”

7. Both parties are present in court and have duly been identified by the Investigation Officer. I.O. further states that both parties are residing together. Respondent No. 2 submits that she has entered the settlement voluntarily without any fear, force, or coercion.
8. In view of the settlement made, the present petition stands disposed of.

DINESH KUMAR SHARMA, J

JULY 3, 2024/AR..