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

+ **CRL.M.C. 6704/2024**

UMESH SHARMA @ UMESH KUMAR & ORS.Petitioners

Through: Mr. Sunil Sharma (D/170/2009), Mr. Raghavendra Gautam(D/10538/2019) and Mr. Vishal (D/6107/19), Advocate along with the Petitioners in person.

versus

STATE NCT OF DELHI & ANR.Respondents

Through: Mr. Shoaib Haider, APP for the State. Insp. Dharmendra, D-4531, PS Harsh Vihar.
Mr. Sunil Kumar (D-746/01), Advocate for R-2 along with Respondent No.2/Complainant in person.

**CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**ORDER
04.09.2024**

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1. The Petitioners have approached this Court for quashing FIR No.447/2017 dated 03.11.2017, registered at Police Station Harsh Vihar for offences punishable under Sections 354/34 IPC.
2. Material on record indicates that the Petitioner No.3 herein was the husband of Respondent No.2/Complainant. It is stated that some dispute arose between the parties and on the complaint of Respondent No.2/Complainant, the present FIR was registered against the Petitioners.



3. It is stated that during the pending of the FIR, the Parties have entered into a Settlement before the Delhi Mediation Centre, Karkardooma Courts, Delhi on 15.11.2017. The Settlement dated 15.11.2017 reads as under:

*“Due to some matrimonial disputes & differences, parties initiated certain litigations against each other which include the present FIR registered on the complaint of Smt. ***** against respondent/father in law u/s 354 PC and same is received in mediation from the court of Sh Sanjeev Kumar Malhotra, Ld. ASJ, KKD.Courts, Delhi.*

*Parties state that marriage was solemnized between Smt. ***** & Sh. Prince Sharma as per Hindu Rites and customs on 16.2.2016. From the said wedlock, no issue has been born. However, they could not live together as husband and wife and have been living separately from each other since July 2016.*

Besides the present matter, following litigations are pending between the parties:-

*i) FIR bearing no. 599/17, PS Bhajanpura, U/s. 323/341/354A/34 IPC registered on the complaint of Smt. ***** against the respondent/husband and her in laws in which the chargesheet is yet to be filed.*

ii) Petition u/s 125 Cr.PC filed by the complainant/wife against her husband Sh. Prince Sharma and same is pending in the court of Sh. Rajiv Mehra, Ld. Principal Judge, Family Court, North-East, KKD Courts, Delhi.

iii) Complaint u/s 12 of DV Act filed by the complainant/wife against her husband and in laws family members and same is pending in the court of Ms. Preeti Aggarwala, Ld. MM, KKD Courts, Delhi. Parties state that they shall go for quashing of present



FIR u/s 354 IPC along with the quashing of FIR no. 599/17, PS Bhajanpura, U/s 323/341/354A/34 IPC before the Hon'ble High Court of Delhi.

*Mediation process explained to the parties. Separate and joint sessions held with the parties. Now, the parties have voluntarily and amicably arrived at a settlement qua the marriage between Smt.***** & Sh. Prince Sharma s/o of Sh. Umesh Sharma, on the following terms and conditions:-*

*1. It is agreed between the parties that Smt. ***** & Sh Prince Sharma have decided to part their ways & shall get their marriage dissolved by obtaining a decree of divorce by mutual consent.*

2. It is agreed between the parties that the husband shall pay a total sum of Rs.15,10,000/-(Rs. Fifteen Lakh Ten Thousand only) to the complainant/wife towards full and final settlement of all her claims arising out of the marriage including istridhan, permanent alimony, maintenance (present, past & future) etc.

3. It is agreed between the parties that the first motion petition for divorce by mutual consent shall be filed by the parties by 17.11.2017 & second motion petition for divorce by mutual consent shall be filed by the parties within one month of grant of first motion.

4. It is agreed between the parties that the husband shall make payment of the settled amount to the complainant/wife as follows:-

a) Rs. 7,60,000/- (Rs. Seven Lakh Sixty Thousand only) by way of cash/DD in the court concerned at the time of recording statement of the parties in first motion.



b) Rs. 7,50,000/- (Rs. Seven Latch Fifty Thousand only) by way of cash/DD in the court concerned at the time of recording statement of the parties in second motion.

5. It is agreed between the parties that husband Sh. Prince Sharma shall transfer a document of Santro Car bearing no. DL8CT1176, in the name of Sh. Praveen Sharma, son of Sh. Rishi Pal Sharma, within one week from the date of settlement.

6. It is agreed between the parties that the complainant/wife shall withdraw her petition u/s 125 Cr.PC, complaint u/s 12 DV Act & complaint from CAW Cell after recording statement of the parties in first motion.

7. It is agreed between the parties that thereafter, they shall be left with no matrimonial rights towards each other and the complainant/wife shall not further claim any amount besides the above settled amount of Rs.15,10,000/-

8. It is agreed between the parties that they shall not be left with any matrimonial rights towards each other & shall not claim any right, title or interest in the movable or immovable properties of each other.

9. It is agreed between the parties that on fulfilling the terms and conditions of the present settlement, the parties shall not interfere in the each others' personal life & shall not litigate qua their marriage in future.

10. It is agreed between the parties that this settlement is arrived at between the parties voluntarily without there being any pressure, coercion, threat or undue influence of any kind & on taking legal advice from their respective counsels and contents of the same have been read over to the parties in vernacular dialect.



*11. It is agreed between the parties that they shall remain bound by the aforesaid terms of settlement.
RO & AC”*

4. It is stated that the entire amount i.e., Rs.15,10,000/- has been paid to the Respondent No.2/Complainant as per the settlement. It is stated that all the articles have also been returned to the Respondent No.2/Complainant and divorce has already been granted to the parties.

5. Today, the Petitioners and the Respondent No.2/Complainant are present in Court. All of them have been identified by their respective Counsel and the Investigating Officer. The Respondent No.2/Complainant states that she has received the entire amount as per the settlement and has settled all her disputes with the Petitioners out of her own free will, without pressure, coercion or undue influence and states that she does not want to pursue the present case any further and requests that the present FIR and the proceedings emanating therefrom may be quashed. The parties undertake that they will remain bound by the settlement and proceedings recorded before this Court.

6. Considering the fact that the parties have amicably settled their disputes and the present case is squarely covered under the law laid down by the Supreme Court in Gian Singh v. State of Punjab, (2012) 10 SCC 303, this Court is satisfied that no useful purpose would be served in continuing with the present proceedings. Resultantly, the FIR No.447/2017 dated 03.11.2017, registered at Police Station Harsh Vihar for offences punishable under Sections 354/34 IPC and the proceedings emanating therefrom are hereby quashed



7. The petition stands disposed of in above terms, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

SEPTEMBER 4, 2024

S. Zakir