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

+ **CONT.CAS(C) 1546/2024**

KULDEEP

.....Petitioner

Through: Mr. Sanjay Sharma & Mr. Ajay
Kumar, Advs.

versus

POOJA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **21.10.2024**

CM APPL. 56967/2024 – EXMP.

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner-husband is seeking initiation of contempt proceedings against the respondent/ex-wife for allegedly reneging from her undertaking recorded by way of Mediation Settlement dated 12.07.2023 in complaint case bearing No. 1590/2020 titled as 'Pooja v. Kuldeep & Ors.'
4. No one is present for the respondent/ex-wife despite sending advance notice.
5. It appears that a settlement was arrived at in the proceedings instituted by the respondent/ex-wife by filing complaint under the provisions of Protection of Women from Domestic Violence Act, 2005 ["**DV Act**"]. Suffice to state that out of total amount of



permanent alimony, which was agreed to be Rs. 4,50,000/-, Rs. 1,50,000/- has been paid to the respondent/ex-wife at the time of withdrawal of the complaint under Section 12 of the DV Act and second instalment of Rs. 1,50,000/- has been paid at the time of seeking divorce by mutual consent in the first motion and the balance amount at the time of second motion, and accordingly the marriage between the parties stood dissolved w.e.f. 31.10.2023.

6. The grievance of the petitioner-husband is that despite making requests and legal notice dated 13.02.2024, the respondent/ex-wife is not coming forwards for moving joint petition for quashing of the criminal proceedings arising out of FIR¹ No. 127 dated 01.04.2021 at Police Station under Section 498-A/406/34 of the Indian Penal Code, 1860.

7. Learned counsel for the petitioner-husband has alluded to the reply of his legal notice whereby the respondent/ex-wife is denying undertaking given to the Court and instead raising a new demand for return of Scorpio Car, which is claimed to be one of the properties contained in the dowry list to be returned to her.

8. First things first, since the marriage between the parties has been dissolved, there is no legal requirement that the respondent/ex-wife should be joined in the proceedings under Section 482 of the Code of Criminal Procedure, 1973 for quashing of the aforesaid FIR. It goes without saying that as and when any petition is filed for quashing, appropriate notice would be issued to the respondent/ex-wife; and the Court concerned would look into the conduct of the respondent/ex-wife and may pass appropriate directions.



9. Hence, this Court finds that there are no legal grounds to proceed for contempt against the respondent/ex-wife.

10. The present contempt petition is dismissed without prejudice.

DHARMESH SHARMA, J.

OCTOBER 21, 2024/sm

¹ First Information Report