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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 1687/2024**

LAXIT BHOURIWAL

.....Petitioner

Through: Mr. Sunil Satyarthi and Ms.
Archisha S., Advs.

versus

MS. SHASHI

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **25.10.2024**

CM APPL. 63101/2024 (Ex.)

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

CONT.CAS(C) 1687/2024 & CM APPL. 63100/2024

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 the Settlement Deed dated 16.01.2024 before the Counselling Cell.

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 on a complaint filed under the provisions of Protection of Women from Domestic Violence Act, 2005 ["**DV Act**"]. Suffice to state that out of the total amount of the permanent alimony, which was agreed to be Rs. 15,99,000/-, the respondent/ex-wife has already received Rs.9,00,000/-.

6. The grievance of the petitioner-husband is that despite making requests and legal notice dated 25.07.2024, the respondent/ex-wife is not coming forwards for moving a joint petition for quashing of the



criminal proceedings arising out of the FIR¹ No. 314/2022 dated 03.06.2022, at Police Station Sarai Rohilla under Section 498-A/406/34 of the Indian Penal Code, 1860.

7. Learned counsel for the petitioner has pointed out that the respondent/ex-wife in her reply to the legal notice, sent by the petitioner/husband, has intimated that she shall not give her consent for initiating the proceedings for quashing of FIR No. 314/2022, until the petitioner returns certain items, namely a gold ring given to the respondent's father, five silver coins, certain clothes, and a sum of Rs. 5,99,000/-.

8. First things first, since the marriage between the parties has been dissolved, there is no legal requirement that the respondent/ex-wife should join 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 25, 2024

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¹ First Information Report