

Manoj & Ors. Vs.state & Ors.

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SooperKanoon Citation : sooperkanoon.com/1208987

Court : Delhi

Decided On : Sep-14-2017

Appellant : Manoj & Ors.

Respondent : State & Ors.

Judgement :

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2. 3. IN THE HIGH COURT OF DELHI AT NEW DELHI W.P.(CRL) 1703/2017
MANOJ & ORS.

... Petitioner

s Through Mr. Shrawan Baby, Advocate with petitioners in person. versus STATE
& ORS.

... RESPONDENTS

Roay, Through Ms.Srilina for Ms.Nandita Rao, ASC for State with SI Satyadev
Panwar, P.S. Khajuri Khas. Mr.Qamar U. Ansari, Adv. for R-2 along with
respondent No.2 in person. Adv. CORAM: HON'BLE MR. JUSTICE VINOD GOEL

ORDER

1409.2017 % Respondent No.2 is present in court. She is being represented by
her counsel. She is duly identified by IO SI Satyadev Panwar. The petitioners have
approached this Court under Section 482 of the Code of Criminal Procedure, 1973
(in short Cr.PC) for quashing of the FIR bearing No.220/2016, registered on

02.03.2016 against them with Police Station Khajuri Khas, North East District, Delhi, under Sections 498A/4

IPC and Section 4 of Dowry Prohibition Act, 1961, on the complaint of respondent No.2. The marriage of the petitioner no.1 with the respondent No.2 was solemnized on 12.02.2012 as per Hindu rites and ceremonies. However, out of this wedlock no child was born. W.P. (Crl.) No.1703/2017 Page 1 of 4 4.

5. 6.

7. the respondent no.2 left The petitioner no.2 is the father of the petitioner no.1. The petitioner no.3 is the mother of the petitioner no.1.

... Petitioner

No.4 is the sister of the petitioner no.1. After solemnization of their marriage, the petitioner No.1 and the respondent No.2 started residing together in the matrimonial home. Due to some temperamental differences between the petitioner No.1 and the respondent No.2, they could not reconcile with each other. Resultantly, the matrimonial home on 20.03.2013 and started residing separately. The respondent No.2 lodged a complaint with CAW Cell which culminated into said FIR against the petitioners. The respondent No.2 preferred a petition under Section 12 of The Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the DV Act) before the learned MM, Mahila Court, North East District, Karkardooma Courts, Delhi. She had also filed a petition under Section 125 of Cr.P.C. for maintenance against the petitioner No.1 before the Principal Judge, Family Court, Karkardooma Courts, Delhi. On making a reference by the learned MM, Mahila Court, North East, Karkardooma Courts, Delhi, the parties had appeared before the learned Mediator, Delhi Mediation Centre, Karkardooma Courts, Delhi. They had resolved and settled all their disputes on 06.06.2016. By this settlement, the petitioner No.1 and the respondent No.2 had decided to part company of each other and obtain a decree of divorce by mutual consent. The petitioner No.1 had agreed to pay a total sum of Rs.3,40,000/- to the respondent No.2 in full and final settlement of her all claims including the maintenance and cost of dowry/stridhan W.P. (Crl.) No.1703/2017 Page 2 of 4 articles. The respondent no.2 had also agreed to withdraw her above said both the

petitions. Pursuant to this settlement, at the time of recording the statement of the parties in the first motion petition, a sum of Rs.1,00,000/- was paid by the petitioner No.1 to the respondent No.2. Further, a sum of Rs.1,00,000/- was paid by the petitioner No.1 to the respondent No.2 at the time of recording their statement in the second motion petition. A decree of divorce by mutual consent was awarded on 08.02.2017 by the court of learned Principal Judge, Family Courts, North East District, Vishwas Nagar, Delhi, by which the marriage between the petitioner No.1 and the respondent no.2 was dissolved. The respondent No.2 states that she had voluntarily settled and resolved all disputes with the petitioners without any force and coercion. She states that she had withdrawn her both petitions under Section 12 of the D.V. Act and under Section 125 of Cr.P.C. Today, the petitioner No.1 has paid the balance settlement amount of Rs.1,40,000/- vide DD No.277303 dated 08.09.2017 issued by Central Bank of India, in favour of respondent No.2, which has been accepted by her. She submits that she has received the entire settlement amount from the petitioner No.1. She submits that she does not want to pursue the said FIR. She submits that the said FIR may be quashed. Learned ASC through IO submits that the charge sheet has so far not been filed.

8. 9.

10. 11.

12. Both the parties submit that now nothing is due and recoverable by them against each other. Since the parties have amicably settled their W.P. (Crl.) No.1703/2017 Page 3 of 4 all disputes, no fruitful purpose would be served in further pursuing the said FIR. Hence, to secure ends of justice, the FIR bearing No.220/2016, registered on 02.03.2016 with Police Station Khajuri Khas, North East District, Delhi, under Sections 498A/4

IPC and proceedings arising out of the said FIR are hereby quashed. The petition is disposed of accordingly.

13. 14. DASTI. SEPTEMBER14 2017/jitender VINOD GOEL, J.

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