
(2017) 10 DEL CK 0303

In the Delhi High Court

Case No : Criminal Writ Petition No. 2918 Of 2017

Manish Kumar Aggarwal & Ors

APPELLANT

Vs

Nct Of Delhi & Anr

RESPONDENT

Date of Decision : 17-10-2017

Acts Referred:

Constitution Of India, 1950 — Article 226, 227
Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 34, 406, 498A

Citation : (2017) 10 DEL CK 0303

Hon'ble Judges : Vinod Goel, J

Bench : Single Bench

Advocate : Kunal Malik, Kamna Vohra

Final Decision : Disposed Of

Judgement

Vinod Goel, J

1. Notice. Learned Additional Standing Counsel, who appears on an advance copy having been served, accepts notice.
2. Respondent No.2 appears in person. She is being represented by her counsel. She is duly identified by IO SI Virender Kumar.
3. The petitioners have invoked the writ jurisdiction of this court under Article 226 & 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short "Cr.PC") for quashing of the FIR bearing No. 0013/2017, registered against them on 09.01.2017 with Police Station K.N. Katju Marg, Rohini Delhi, under Sections 498A/406/34 IPC on the complaint of respondent No.2.
4. The marriage of the petitioner No.1 with the respondent no. 2 was solemnized on 17.11.2010 as per Hindu rites and ceremonies at Anand Bhawan,

Sector-9, Rohini, Delhi. However, out of this wedlock no child was born.

5. 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 respondent

no.2 left the matrimonial home on 18.09.2015 and started residing with her parents.

6. The respondent No.2 lodged a complaint against the petitioners before the CAW Cell which culminated into the said FIR.

7. Subsequently after the registration of the FIR, the parties have amicably resolved and settled all their disputes on 28.02.2017 by which they decided

to part company of each other by obtaining a decree of divorce with mutual consent.

8. As per the settlement, the petitioner no. 1 had agreed to pay a total sum of Rs.6,21,000/- to the respondent no. 2 in full and final settlement of all her

claims, which includes maintenance and costs of dowry and stridhan articles.

9. The respondent No.2 states that she had voluntarily settled and resolved all her disputes with the petitioners without any force and coercion.

10. Pursuant to the settlement, at the time of settlement, the petitioner No.1 had paid a sum of Rs.1,50,000/- to the respondent no. 2. At the time of

recording the statement of the parties in the first motion petition, further a sum of Rs.1,71,000/- was paid by the petitioner No.1 to the respondent

No.2. At the time of recording the statement of the parties in the second motion petition, Rs.2,00,000/- was paid by the petitioner No.1 to the

respondent No.2. A decree of divorce by mutual consent was granted on 08.09.2017 by the court of learned Principal Judge, Family Court, District

North, Rohini Courts, Delhi, by which the marriage between the petitioner No.1 and the respondent no.2 was dissolved.

11. Today, the petitioner No.1 has paid the balance settlement amount of Rs.1,00,000/- by way of cheque bearing No. 217639 dated 22.09.2017 drawn

on Oriental Bank of Commerce, Nayaba/0008/Delhi-Naya Bazar in favour of respondent No.2, which has been accepted by her. Copy of the cheque

is already placed on record.

12. The respondent No.2 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.

13. Learned ASC through the IO submits that the charge sheet has so far not been filed.

14. Both the parties submit that now nothing is due and recoverable by them against each other. Since the parties have amicably settled all their

disputes, no fruitful purpose would be served in further pursuing the said FIR. Hence, to secure ends of justice, the FIR bearing No. 0013/2017,

registered on 09.01.2017 with Police Station K.N. Katju Marg, Rohini Delhi, under Sections 498A/406/34 IPC and proceedings arising out of the said

FIR are hereby quashed.

15. The petition is disposed of accordingly.

16. DASTI.