

Arjun Kumar & Anr vs The State (Govt. Of Nct Of Delhi) & Anr on 8 December, 2021

Author: Subramonium Prasad

Bench: Subramonium Prasad

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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(CRL) 1713/2021

ARJUN KUMAR & ANR.

Through

Mr. Harshit Sharma, Adv

No.D/3492/17) along with

- in person.

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR..... Respondent

Through

Mr. Amit Peswani, Advocate for M

Nandita Rao, ASC for the State w

SI Hawa Singh, Police Station

Mangolpuri.

Respondent No.2 - in person

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% 08.12.2021

1. This petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C has been filed for quashing FIR No.191/2020 dated 11.03.2020, registered at Police Station Mangolpuri for offences under Sections 323/341/506/34 IPC on the ground that the parties have amicably settled the dispute. The present FIR is an outcome of a matrimonial dispute between the parties. The respondent No.2 is the complainant.

2. The principal ground on which the petition is filed is that the parties have amicably settled their disputes. A Settlement Agreement dated 09.12.2020 has been filed along with the petition (Annexure - P2). As per the settlement agreement the petitioner No.1/husband has agreed to pay a sum of Rs.5,97,000/- to the complainant/respondent No.2 as full and final settlement of all her claims, including Stridhan, alimony, dowry etc. Out of the said sum of Rs.5,97,000/-, the petitioner No.1 has paid a sum of Rs.3,00,000/- to the complainant/respondent No.2 at the time of first motion and the balance sum of Rs.2,97,000/- has to be paid by the petitioner No.1 to the complainant/respondent No.2 at the time of recording of the statement in the second motion.

3. The complainant/respondent No.2 has also filed an affidavit (page No.31 of the paper book)

affirming the fact that the claims and grievances of the complainant against the petitioners in the abovementioned FIR stands settled. It is also stated that the complainant does not have any objection if the present FIR against the petitioners is quashed as she has already settled the claims that are due to her.

4. Today, the parties are present in the Court today. The petitioners have been identified by their counsel Mr. Harshit Sharma, Advocate (Enrl. No.D/3492/17). The complainant/respondent No.2 has been identified by the Investigating Officer, SI Hawa Singh, Police Station Mangolpuri, who is also present in the Court today. The complainant/respondent No.2 states that she has settled the dispute with petitioner No.1 out of her own free will, without pressure, coercion or undue influence and states that she does not want to pursue with the present case any further and request that the present FIR and the proceedings emanating therefrom may be quashed. The parties undertake that they will remain bound by the terms of the MoU/Compromise Deed arrived at between them before the Mediation Centre and the proceedings recorded before this Court.

5. The parties, who are present in the Court today, understand the implication of the present proceedings. In view of the fact that the instant case is squarely covered by the law laid down by the Supreme Court in Gian Singh vs. State of Punjab, (2012) 10 SCC 303 and in view of the settlement arrived at between the parties, this Court is of the opinion that no useful purpose will be served in continuing with the present proceedings. Resultantly, FIR No.191/2020 dated 11.03.2020, registered at Police Station Mangolpuri for offences under Sections 323/341/506/34 IPC and the proceedings emanating therefrom are hereby quashed. The parties shall remain bound by the terms of the settlement and the undertaking given to the Court.

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

SUBRAMONIUM PRASAD, J DECEMBER 08, 2021 S. Zakir