

Shantanu Kaushal & Ors vs State Govt. Of Nct Delhi & Anr on 25 October, 2021

Author: Mukta Gupta

Bench: Mukta Gupta

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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.M.C. 2243/2021

SHANTANU KAUSHAL & ORS.

..... Pet

Represented by: Mr. Sunil Dahiya, Adv.

versus

STATE GOVT. OF NCT DELHI & ANR.

..... Res

Represented by: Mr. Tarang Srivastava, APP
with SI Sunny Kumar, PS Mau
Enclave.

Ms. Seema Chaudhari, Ms. Jy
Kushwah, Adv. for R-2 with
person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% 25.10.2021 The hearing has been conducted through Physical Mode.

1. By this petition the petitioners seek quashing of FIR No. 185/2018 under Sections 498-A/406/34 IPC registered at PS Maurya Enclave on the complaint of respondent No.2 and the proceedings pursuant thereon on the ground that parties have entered into a settlement.

2. Learned APP for the State submits that in the above-noted FIR the four petitioners are the accused and respondent No.2 the complainant/victim and no other person is involved.

3. In the above-noted FIR the respondent No.2 stated that she got married to the petitioner No.1 on 29th December, 2014 as per Hindu rites and customs. Her parents had spent more than 20 lakhs in the marriage and gave sufficient dowry, jewellery, cash, etc. When the complainant was going for her honeymoon to Goa, the mother-in-law took the entire jewellery on the pretext that she will put it safely in the locker and just left her Mangalasutra and two rings with her. She took away jewellery given by her parents as well. On the day of Lohri the in-laws started taunting for lack of arrangements and dowry in the marriage. They stated that tops, rings, chain, etc. given were of very poor quality and even a poor person does not give the same to his daughter. The complainant was asked to get 5 lakhs for dowry, 1 lakh for honeymoon and proper gold chains which were heavy in weight and Honda City car from her parents. Since the demand of dowry was not met, the

complainant was physically and mentally harassed. Since the complainant did not conceive this was also attributed to the complainant. After her in-laws left for USA in August 2017, the petitioner No.1 started drinking heavily and used to assault and misbehave with the complainant. The petitioner No.4 used to instigate petitioner No.1 for the demand of cash, jewellery and Honda City car. The petitioner No.1 attempted to burn her by cigarette butt. Constrained by a continuous course of harassment, the complainant lodged the above-noted FIR on 23rd January, 2018. After investigation charge-sheet has since been filed and during the pendency of trial, the parties have entered into a settlement vide the settlement deed dated 4th September, 2020 copy whereof is annexed as Annexure B to the present petition.

4. Respondent No.2 is present in Court and is identified by the learned counsel and the investigating officer. She states that she has settled the matter with the petitioners vide the memorandum of understanding dated 4th September, 2020 in terms whereof divorce by mutual consent has been granted between the petitioner No.1 and respondent No.2. In lieu of all her claims of maintenance, istridhan, alimony, dowry, etc., respondent No.2 is to receive a total sum of 10 lakhs out of which she has already received 5 lakhs and the balance amount of 5 lakhs has been received by her today in Court by way of demand draft No. '343235' drawn at SBI. She states that in view of the settlement arrived at between the parties, she does not wish to pursue the above-noted FIR and the proceedings pursuant thereto.

5. Petitioner No.1 is present physically and is identified by the learned counsel. He affirms the statement of respondent No.2 and undertakes to abide by the terms of settlement arrived at between the parties. Petitioner No.2, 3 and 4 are not present as petitioner No.3 is presently hospitalized and thus petitioner No.2 & 4 are looking after her. Petitioner No.2, 3 & 4 are exempted to join the proceedings.

6. In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, rather the same would create further acrimony between them, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

7. Consequently, FIR No. 185/2018 under Sections 498-A/406/34 IPC registered at PS Maurya Enclave, Delhi and proceedings pursuant thereto are hereby quashed qua all the petitioners.

8. Petition is disposed of.

9. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

OCTOBER 25, 2021 'ga'