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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 1456/2015 and Crl. M.A. No. 5357/2015

SHARAD WALIA & ORS

Through

..... Petitioners
Mr. S.N. Vashistha with Ms. Isha
Agarwal, Advocates along with
petitioner no. 1

versus

STATE & ANR

Through

..... Respondents
Mr. M.P. Singh, APP for State
W/ASI Hiloria, P.S. Janakpuri
Mr. Sanjay Goswami, Adv. for
respondent no. 2 along with
respondent no. 2

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

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15.04.2015

Crl. M.A. No. 5357/2015 (Exemption)

Exemption allowed, subject to all just exceptions.

The application is disposed of.

CRL.M.C. 1456/2015

The present petition has been filed by the petitioner under Section 482 Cr.P.C. for quashing of FIR No. 228/2012, under Sections 498-A/406/506/34 IPC, registered at P.S. Janakpuri, Delhi on the complaint of respondent No.2.

Brief facts of the case are that respondent No.2 got married to petitioner no. 1 on 23rd November, 2005 according to Hindu rites and ceremonies. Due to temperamental differences, they are living separately

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from each other since 2011. In the meanwhile, on the basis of the complaint made by respondent No.2, the aforesaid FIR was registered against the petitioners on 14th September, 2012.

During the pendency of the proceedings, the petitioners and respondent No.2 have settled their disputes amicably. The said settlement was arrived at between them before the High Court of Judicature at Bombay in Family Court Appeal No. 81/2014 vide judgment and decree dated 9th January, 2015. The terms and conditions of the settlement are mentioned in para No. 1 of the judgment passed by the High Court of Judicature at Bombay. The said settlement has been acted upon between the parties. They have also obtained divorce decree by mutual consent on the basis of the settlement. Copy of the judgment dated 9th January, 2015 is also placed on the record.

The petitioner no. 1 as well as respondent No.2 are present in Court who are duly identified by their respective counsel. Identification proofs have been filed by the parties along with the petition. Respondent No.2/complainant has confirmed the settlement and has no objection if the prayer made in the petition is allowed. She has also filed her affidavit in this regard which is placed on the record.

In view of the averments made in the petition as well as the settlement arrived at between the parties, the FIR No. 228/2012, under Sections 498-A/406/506/34 IPC, registered at P.S. Janakpuri, Delhi and proceedings pursuant thereto are hereby quashed qua the petitioner.

It is clarified that although in the settlement agreement, the date of marriage is mentioned as 23rd January, 2005 but it has been confirmed by the petitioner no. 1 and respondent no. 2 that the date of marriage was 23rd

November, 2005 and the same has been clarified by the High Court of Judicature at Bombay.

The petition is accordingly disposed of.

APRIL 15, 2015/sd


MANMOHAN SINGH, J