

#32

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 04.04.2016

W.P.(CRL) 1085/2016

VIKAS MOGHA & ORS

..... Petitioners

Through: Mr. Pratap Singh and Ms. Sukanya
Sharma, Advocates

versus

THE STATE NCT OF DELHI & ANR

..... Respondents

Through: Mr. Sanjay Lao, ASC (Criminal) with
SI Surat Singh, PS- Sagar Pur

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

CRL.M.A.5592/2016 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

W.P.(CRL) 1085/2016

1. The present is a petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.)

seeking quashing of FIR No.268/2013, under Section 498A/406/34 IPC, registered at Police Station- Sagarpur, New Delhi and the proceedings arising therefrom.

2. The facts in brief are that on 27.02.2009 the petitioner No.1 married respondent No.2 according to Hindu customs, rites and ceremonies in Delhi. One female child namely, Dhristi was born out of the said wedlock on 10.05.2010. Owing to ideological and temperamental differences the parties to the marriage have been living separately since the month of February, 2013. On a complaint filed by the respondent No.2 (wife) against her husband (petitioner No.1) and his family members, the subject FIR was registered.

3. It is nothing but good news as appositely stated by Mr. Sanjay Lao, learned Additional Standing Counsel (Criminal) appearing on behalf of the police. It is further stated that the petitioner-husband as well as the complainant-wife on account of whose matrimonial discord the subject FIR came to be registered, have reconciled their differences and have been living together happily, once again since 20.08.2015.

4. Deepika, respondent No.2/complainant, who is present in Court and has been duly identified by IO SI Surat Singh, Police Station- Sagarpur,

Delhi states that in view of the settlement arrived at between the parties, she is no longer keen to proceed with the subject FIR and the proceedings arising therefrom.

5. It would only be fair and appropriate to enable the couple to renew their vows and attempt to live happily ever after. I am also informed at the Bar that the petition seeking divorce instituted by the husband has since been withdrawn unconditionally.

6. Consequently, while wishing the reunited couple a long and happy life, it would be just expedient and necessary to remove the only road-block that may become an obstacle in their path of happiness.

7. Resultantly, FIR No. FIR No.268/2013, under Section 498A/406/34 IPC, registered at Police Station- Sagarpur, New Delhi and the proceedings arising therefrom are hereby set aside and quashed qua all the petitioners.

8. The writ petition is allowed and disposed of accordingly.

SIDDHARTH MRIDUL, J

APRIL 04, 2016

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