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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1288/2015 & CrI.M.A.No.4681/2015 (Stay)**
ASHOK KUMAR MALHOTRA

..... Petitioner

Represented by: Mr.D.K.Rustagi, Mr.Mayank
Rustagi and Mr.B.S.Bagga,
Advs.

versus

ASHA @ DEEPALI MALHOTRA & ANR

..... Respondents

Represented by: Mr.Anuj Arora, Advs with
respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

ORDER

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11.01.2016

1. Vide the present petition under Section 482 of the Cr P C, the petitioner seeks direction thereby quashing of the order dated 16.12.2014 passed by learned Additional Principal Judge, Family Courts (West) District in Maintenance Petition No.10/2014.

2. After some arguments, learned counsel for respondents, on instructions from respondent No.2, who is personally present in the Court submits that the respondent No.2 shall not press the order dated 16.12.2014 passed by aforementioned Court, if the petitioner is ready to get the FIR No.1212/2000 quashed registered at police station Uttam Nagar, Delhi initially for the offences under Section 307/34 of the IPC. However, summoned under Sections 324/341 of the IPC. And petitioner is also ready to withdraw the case of defamation filed

against respondent No.2.

3. Learned counsel for petitioner on instructions has accepted the statement made by learned counsel for respondent No.2.

4. It is also not in dispute that the petitioner has already been discharged in case FIR No.626/2000 police station Kirti Nagar, Delhi for the offences punishable under Sections 498A/406/34 of the IPC and respondent No.2 has challenged the same by Crl.M.C.No.4799/2014 which is coming up for hearing on 15.03.2016.

5. The respondent No.2 has also undertaken to withdraw the abovenoted Crl.M.C.No.4799/2014.

6. I hereby make it clear that respondent No.1, daughter of petitioner and respondent No.2 is at liberty to seek enforcement of her legal rights, as per law.

7. The petitioner is also directed to withdraw his complaint filed against respondent No.2 under Section 500 of the IPC.

8. The respondent No.2 is also directed to file a petition for quashing of FIR No.1212/2000, as noted above and the petitioner will not create any hindrance therein. The petition so filed by respondent No.2 shall be considered even in the absence of petitioner in view of statement made by his learned counsel today

before this Court.

9. Accordingly, impugned order dated 16.12.2014 is hereby set aside.

10. In view of above, instant petition is disposed of as such being settled. The miscellaneous application also stands disposed of accordingly.

11. Copy of this order be given *dasti* to both the parties.

SURESH KAIT, J

JANUARY 11, 2016

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CRL.M.C. 1288/2015

Page 3 of 3