

#42

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 16.05.2016

W.P.(CRL) 1532/2016

UMESH & ORS

..... Petitioners

Through: Mr. Bijay Mohan Goswami, Advocate

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Through: Mr. Ashish Aggarwal, ASC
(Criminal) with SI Rajbir Singh, PS-
Dwarka North

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

CRL.M.A.7998/2016 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

W.P.(CRL) 1532/2016

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 seeking quashing of FIR No.328/2015, under Section 498A/406 IPC, registered at Police Station- Dwarka North and the proceedings arising therefrom.

1. The facts in brief are that the Umesh, petitioner No.1/husband and Sangeeta, respondent No.2/complainant (wife) were married to each other according to Hindu rites and ceremonies on 25.05.2003. Two children were born out of the said wedlock, namely, Kumari Pratiksha on 02.09.2009 and Master Ankus on 20.09.2011. Due to temperamental and ideological differences between the parties to the marriage, they started living separately. On a complaint instituted by respondent no.1 (wife), the subject FIR was registered against the petitioner No.1 and his family members.

2. Sangeeta Devi, respondent no. 2/complainant (wife) in the subject FIR, who is present in person in Court today and has been identified by the Investigating Officer in the subject FIR namely, SI Rajbir Singh, Police Station- Dwarka North, Delhi, states that she has settled all her outstanding matrimonial disputes with her husband- Umesh, petitioner No.1 herein, as well as the other petitioners, who are her in-laws. She further states that she has been living with her husband happily since 26.09.2015, after the subject FIR came to be registered and in view of the same, she is no longer keen to proceed with the subject FIR and the proceedings arising therefrom. The subject FIR is evidently a consequence of a rift in the lute.

3. Notice.

4. Mr. Ashish Aggarwal, learned Additional Standing Counsel (Criminal) appearing on behalf of the official respondent accepts notice and fairly does not oppose the petition in view of the facts and circumstances afore-stated.

5. It would only be fair and appropriate to enable the couple to renew their vows and live happily ever after.

6. 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. In view of the foregoing, I see no impediment in allowing the present writ petition.

7. Resultantly, the FIR No.328/2015, under Section 498A/406 IPC, registered at Police Station- Dwarka North and the proceedings arising therefrom are hereby set aside and quashed *qua* the petitioners.

8. With the above directions, the writ petition is allowed and disposed of accordingly.

SIDDHARTH MRIDUL, J

MAY 16, 2016

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