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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 19.02.2016

W.P.(CRL) 527/2016

NAVEEN KUMAR

..... Petitioner

Through: Mr. Tarunjeet Singh, Advocate
Petitioner in person

versus

THE STATE OF NCT OF DELHI & ANR Respondents

Through: Mr. Ashish Aggarwal, ASC
(Criminal) with SI Parveen Kumar,
PS- Adarsh Nagar, Delhi for R-1
Respondent No.2 in person

**CORAM:
HON'BLE MR JUSTICE SIDDHARTH MRIDUL**

SIDDHARTH MRIDUL, J (ORAL)

CRL.M.A.2956/2016 (Condonation of Delay in Refiling)

In view of the facts stated in the application which are duly supported by an affidavit of the applicant/petitioner, the same is allowed.

The delay in re-filing the present writ petition is hereby condoned.

The application is allowed and disposed of accordingly.

W.P.(CRL) 527/2016

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.300/2013, under Section 498A IPC, registered at Police Station- Adarsh Nagar, Delhi and the proceedings arising therefrom.

2. The facts in brief are that on 01.02.1998 the petitioner married respondent No.2 according to Hindu customs, rites and ceremonies in Delhi. One female child, namely, Bhumika, aged 13 years and one male child namely, Ishant, aged 11 years were born out of the said wedlock.. Owing to ideological and temperamental differences the parties to the marriage started living separately since May, 2012. On a complaint filed by the respondent No.2 (wife) against her husband (petitioner), the subject FIR was registered.

3. It is nothing but good news as appositely stated by Mr. Ashish Aggarwal, learned Additional Standing Counsel (Criminal) appearing on behalf of the police 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 with the assistance of Delhi High Court Mediation and Conciliation Centre and have been living together

happily, once again since 13.11.2014. The salient terms and conditions of the said settlement agreement dated 13.11.2014 are as follows:-

- “a) The second party shall have the exclusive possession of the half portion of ground floor consisting of two rooms, one kitchen, one toilet, one bathroom (at the rear side of the property) bearing No.A-169, Majlish Park, Adarsh Nagar, Delhi-110033. The front portion of the property shall remain in possession of the mother in law (Mrs. Sarti Devi) and father in law (Shri Sher Singh) of the second party.
- b) That husband of Smt. Kavita Saini namely, Shri Naveen Kumar has agreed to pay a sum of Rs.30,000/- (Rupees Thirty Thousand only) per month excluding electricity bill, water tax, house tax of the property No.A-169, Majlish Park, Adarsh Nagar, Delhi. The said amount shall be deposited by Shri Naveen Kumar in the Bank Account No.10342614394, SBI Branch, Majlish Park, Adarsh Nagar, Delhi of Smt. Kavita Saini on or before 10th day of every month.
- c) Both the parties have agreed to maintain peace and harmony in matrimonial home and both the parties shall not misbehave, abuse or use physical violence in matrimonial home.
- d) That Smt. Kavita Saini has agreed to provide food and wash clothes of Shri Naveen Kumar.
- e) That the second party shall not allow the entry of first party if he comes home after consuming

alcohol or consumes alcohol in any portion of the property as mentioned above.

- f) The second party shall not claim any right over any other property of the first party till his lifetime. But she will only have exclusive possessory right on the property mentioned above.
- g) That the overhead expenses which shall accrue towards the school fees, tuition fee, books, uniform etc. of the children namely Bhumika (age 13 years) and Ishant (age 11 years) shall be paid by the father Shri Naveen Kumar, besides the amount he is already paying.
- h) That there is a common gate between the front portion and rear portion of property as mentioned above. This gate shall remain open from 3.30 p.m. to 8.30 p.m. and the gate shall be open at any time, if the children i.e. Bhumika and Ishant or the parents of the First Party Shri Naveen Kumar require to use the gate. The gate shall also be left open by second party, if she has to go out for more than 24 hours.
- i) That the second party shall not interfere in the business affairs of the first party in any manner.”

4. 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 under Section 125 of the Cr.P.C. instituted by the complainant-wife and the petition under Section 9 of the Hindu Marriage

Act, 1955 instituted on behalf of the petitioner-husband have since been withdrawn unconditionally.

5. 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.

6. Resultantly, FIR No.300/2013, under Section 498A IPC, registered at Police Station- Adarsh Nagar, Delhi and the proceedings arising therefrom are hereby set aside and quashed qua the petitioner.

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

SIDDHARTH MRIDUL, J

FEBRUARY 19, 2016
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