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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 3293/2017 and Crl.M.A.13509/2017
RAJEEV TIWARI & ANR

..... Petitioners

Through: Mr.Bhola Singh, Advocate with the
petitioners in person.

versus

STATE OF NCT OF DELHI & ANR Respondents

Through: Mr.Raghuvinder Varma, APP for
State with SI Mahesh Kumar, P.S.
R.K.Puram, New Delhi.
Mr.Rajneesh Chaudhary, Advocate
for R2 with R2/complainant in
person.

CORAM:
HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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22.08.2017

Crl.M.A.13509/2017 (condonation of delay in filing)

This is an application under Section 482 Cr.P.C. filed on behalf of the petitioners for condonation of 138 days delay in filing the present petition.

For the reasons stated in the application, the delay of 138 days in filing the petition is condoned.

Application stands disposed of.

CRL.M.C. 3293/2017

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.33/2002, under Sections 406/498-A/34 IPC, registered at Police Station R.K.Puram, New Delhi and all proceedings emanating therefrom.

Learned counsel for the petitioners has submitted that the petitioner

No.1 Rajeev Tiwari got married with the respondent No.2 Smt. Anita Shukla as per Hindu rites and customs on 04.07.1991 and out of the said wedlock two daughters, namely, Baby Prachi and Baby Sakshi were born on 02.07.1992 and 02.02.1994 respectively and the said daughters are right now in the legal custody of the respondent No.2/complainant being their mother and natural guardian. Counsel further submits that after the birth of the children, a misunderstanding has arisen which resulted into the registration of the aforesaid FIR against the petitioners. Counsel further submits that after the registration of the FIR, the near relatives and near friends intervened and the misunderstanding has been sorted out and the matter has been amicably settled between the parties and the same has been reduced into writing before the Delhi High Court Mediation and Conciliation Centre on 17th September, 2016 and the terms of the said settlement have been acted upon between the parties and nothing further remains to be adjudicated between them. Counsel further submits that the marriage between the petitioner No.1 and the respondent No.2 has already been dissolved vide judgment and decree dated 01.08.2003 passed by the Addl. District Judge, Delhi in HMA No.1134/2001, however, the present FIR is coming as hurdle in the peaceful life of the parties and prays that the FIR and all subsequent proceedings may be quashed.

The respondent No.2/complainant Smt. Anita Shukla is present in person and has been identified by the Investigating Officer SI Mahesh Kumar of Police Station R.K.Puram, New Delhi and also represented by her counsel. The respondent No.2 present in person admits the factum of amicable settlement with the petitioners before the Delhi High Court Mediation and Conciliation Centre on 17th September, 2016 and dissolution

of her marriage with the petitioner No.1 vide judgment and decree dated 01.08.2003 passed by the Addl. District Judge, Delhi in HMA No.1134/2001 and further admits that both the minor daughters are in her legal custody being their mother and natural guardian. She further submits that she has no objection if the present FIR is quashed.

Looking into the above facts and circumstances, since the matter has been amicably settled and the same has been reduced into writing before the Delhi High Court Mediation and Conciliation Centre on 17th September, 2016 and the marriage between the petitioner No.1 and the respondent No.2 has already been dissolved vide judgment and decree dated 01.08.2003 passed by the Addl. District Judge, Delhi in HMA No.1134/2001 and both the minor daughters are in the legal custody of the respondent No.2/complainant being their mother and natural guardian, to have peace in the life of both the parties and to meet the ends of justice, I deem it appropriate to quash the aforesaid FIR all proceedings emanating therefrom.

Consequently, FIR No.33/2002, under Sections 406/498-A/34 IPC, registered at Police Station R.K.Puram, New Delhi and all proceedings emanating therefrom are hereby quashed. The parties shall remain bound by the terms of the settlement dated 17.09.2016.

The present petition is allowed and stands disposed of accordingly.

Copy of this order be given *dasti* to the parties, as prayed.

I.S.MEHTA, J

AUGUST 22, 2017

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