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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 1331/2017**

ANIL KUMAR & ORS Petitioners

Through: Mr.Sandeep Jain, Adv. With
Mr.Rajesh Kumar, Adv. along with
petitioners in person.

versus

THE STATE & ANR. Respondents

Through: Mr.Rajesh Mahajan, ASC for the
State with SI Faizan, P.S. Ghazipur.
Respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER
31.08.2017

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1. Respondent no. 2 is present in person. She is duly identified by the IO SI Faizan.
2. The petitioners have invoked the writ jurisdiction of this court under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short 'Cr.PC') for quashing of the FIR bearing No. 279/2016, registered against them on 04.06.2016 with Police Station Ghazipur, Delhi, under Sections 498A/328/34 IPC, on the complaint of respondent No.2.
3. Petitioners no. 2 and 3 are parents of petitioner no. 1, the petitioner no. 4 is the sister of petitioner no. 1 and the petitioner no. 5 is the brother of petitioner no.1.

4. The marriage of the petitioner No.1 with the respondent no. 2 was solemnized on 26.01.2011 as per Hindu rites and ceremonies. After the solemnization of marriage, the couple started residing at the matrimonial home. Out of this wedlock, one male child namely Darshan was born.
5. Due to some temperamental differences between the petitioner No.1 and the respondent no.2, they could not reconcile with each other. Resultantly, the respondent no.2 left the matrimonial home on 4.6.2016.
6. The respondent No.2. lodged a complaint with CAW Cell, Delhi which culminated into the said FIR against the petitioners.
7. The petitioner No.1 instituted a petition u/s 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights in the Family Court, East District, Vishwas Nagar, Delhi.
8. On making reference by the court, both the parties appeared before the Counselling Cell, Family Courts, East District, Vishwas Nagar, Delhi. On 03.03.2017, both the parties resolved and settled all their disputes before the learned Principal Counsellor. The petitioner no.1 and respondent no.2 had decided to live together peacefully. The petitioner no.1 had agreed to pay Rs.1200/- per month to the respondent no.2 by 10th of each English Calendar Month.
9. Pursuant to the settlement, the petitioner no.1 submits that he had withdrawn his petition u/s 9 of the Hindu Marriage Act, 1955.

10. Respondent No.2 present in the court states that she has settled the matter with the petitioners voluntarily, without any force or coercion. She further states that she has been receiving Rs.1200/- per month from the petitioner no.1 as agreed. Both of them submit that now they do not have any dispute or problem with each other and are residing peacefully since 03.03.2017
11. Respondent no.2 submits that in view of the settlement, she does not want to pursue the said FIR. She submits that the said FIR may be quashed.
12. Learned ASC through the IO submits that the charge sheet has so far not been filed.
13. Since the parties have amicably settled all their disputes and the petitioner No.1 and respondent no.2 are living together peacefully, no purpose would be served in further pursuing the said FIR. Hence, to secure ends of justice, the FIR bearing No. 279/2016, registered against them on 04.06.2016 with Police Station Ghazipur, Delhi, under Sections 498A/328/34 IPC and proceedings arising out of the same are hereby quashed.
14. The petition is disposed of accordingly.
15. Order *DASTI*.

VINOD GOEL, J.

AUGUST 31, 2017/jitender