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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(CRL) 1752/2017

ASHISH KUMAR & ORS.

..... Petitioners

Through: Mr. Shoeb Shakeel, Advocate with
petitioners in person.

versus

STATE & ANR.

..... Respondents

Through: Mr. Sanjay Lao, ASC for the State with
SI Sonu, PS GTB Enclave, Delhi.

Mr. A.A. Ansari, Advocate for R-2 along with
respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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25.09.2017

1. Status report has been filed.
2. Respondent No.2 appears in person. She is being represented by her counsel. She is duly identified by IO SI Sonu.
3. 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.857/2015, registered against them on 28.04.2015 with Police Station Malviya Nagar, District South Delhi, under Sections 498-A/406/34 IPC on the complaint of respondent No.2.
4. The marriage of the petitioner no.1 with the respondent no. 2 was solemnized on 02.12.2012 as per Hindu rites and ceremonies in Delhi. However, out of this wedlock no child was born.
5. After solemnization of their marriage, the petitioner No.1 and the

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respondent no. 2 started residing together in the matrimonial home. However, 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 09.06.2013 and started residing separately.

6. The respondent no.2 lodged a complaint with CAW Cell which culminated into said FIR against the petitioners. She also preferred a petition under Section 12 of The Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the 'DV Act') against the petitioners in the court of learned MM, Mahila Court, Saket, Delhi. The petitioner No.1 had filed a petition for divorce against the respondent No.2 before the learned Principal Judge, Family Court, South District, Saket, Delhi.
7. Subsequently after the registration of the FIR, on 19.04.2017, the petitioner no.1 and respondent no.2 had amicably resolved and settled all their disputes. Their statements were recorded by the learned MM Mahila Court, Saket South District, Delhi on 19.04.2017. The respondent no.2 had withdrawn her petition u/s 12 of the D.V. Act. The petitioner No.1 submits that he had withdrawn his petition for divorce against the respondent No.2.
8. The respondent no. 2 states that she has voluntarily settled and resolved all her disputes with the petitioners without any force and coercion. The petitioner no. 1 and the respondent no. 2 submit that they have been residing together peacefully since 16.12.2016 and do not have any dispute or problem with each other. The respondent No.2 states that she does not want to pursue the said FIR. She

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submits that the said FIR may be quashed.

9. Learned ASC through IO submits that the charge sheet has so far not been filed.
10. Since the matter has been amicably settled between the petitioner no.1 and the respondent no. 2 and they are living together peacefully, no fruitful purpose would be served in further pursuing the said FIR. Hence, to secure ends of justice, the FIR bearing No.857/2015, registered on 28.04.2015 with Police Station Malviya Nagar, South Delhi, under Sections 498-A/406/34 IPC and proceedings arising out of the said FIR are hereby quashed.
11. The petition is disposed of accordingly.
12. DASTI.



VINOD GOEL, J.

SEPTEMBER 25, 2017/

"sandeep"