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

+ **W.P.(CRL) 1687/2017**

DHEERAJ KUMAR & ORS.

..... Petitioners

Through: Mr.V.K. Sharma, Advocate along with
petitioner in person.

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR.... Respondents

Through: Mr. Avi Singh, ASC for the State along
with Ms. Megha Bahl, Advocate with SI Dalbir
Singh, PS Farsh Bazar, Delhi.
Respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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13.10.2017

1. Status report has already been filed.
2. Respondent no. 2 appears in person. She is duly identified by IO SI Dalbir Singh.
3. The petitioners have invoked the writ jurisdiction of this court under Article 227 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. 394/2016, registered against them on 28.09.2016 with Police Station Farsh Bazar, East District, Delhi, under Sections 498A/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 20.02.2015 as per Hindu rites and ceremonies in Delhi. Out of this wedlock, one male child namely Ashish was born on

23.03.2016.

5. After solemnization of their marriage, the petitioner and the respondent no.2 started residing together in the matrimonial home. After the birth of their child, due to some temperamental differences between the petitioner and the respondent no.2, they could not reconcile with each other. Resultantly, the respondent no.2 left the matrimonial home and started residing separately.
6. The respondent No.2 lodged a complaint against the petitioners before the CAW Cell which culminated into the said FIR. The respondent no. 2 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 before the court of learned MM, Mahila Court, District Shahdara, Karkardooma Courts, Delhi. She also preferred a petition under Section 125 of Cr.PC against the petitioner No.1 in the court of learned Principal Judge, Family Court, Shahdara, Karkardooma Courts, Delhi for maintenance. The petitioner No.1 had filed a petition for divorce against the respondent No.2.
7. On 09.01.2017, the parties had amicably resolved and settled all their disputes before the learned Principal Counsellor attached to the learned Principal Judge, Family Court, Shahdara, Karkardooma Courts, Delhi. As per the settlement, the petitioner no. 1 and the respondent no. 2 had decided to reside together peacefully. It was further decided that both the parties shall withdraw their respective petitions filed against each other.
8. The respondent No.2 states that she had voluntarily settled and resolved all her disputes with the petitioners without any force and

coercion. She submits that she had withdrawn her petitions filed under Sections 12 of DV Act and 125 of Cr.P.C. from the concerned courts. The petitioner No.1 submits that he had withdrawn his petition for divorce.

9. The petitioner and the respondent no.2 submit that they have been residing peacefully together since 12.01.2017 and they do not have dispute or problem with each other. Respondent no. 2 submits that she does not want to pursue the said FIR. She submits that the said FIR may be quashed.
10. Learned ASC through the IO submits that the charge sheet has already been filed.
11. Since the parties have amicably settled all their disputes, no fruitful purpose would be served in further pursuing the said FIR. Hence, to secure ends of justice, the FIR bearing No. 394/2016, registered against them on 28.09.2016 with Police Station Farsh Bazar, East Delhi, under Sections 498A/406/34 IPC and proceedings arising out of the said FIR are hereby quashed.
12. The petition is disposed of accordingly.
13. *DASTI.*

VINOD GOEL, J.

OCTOBER 13, 2017

"shailendra"