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

+ **W.P.(CRL) 2464/2017**

ATUL RASTOGI & ORS.

..... Petitioners

Through: Mr. Saroj Kumar Jha, Advocate
with Ms. Meenu Jha, Advocate along with
petitioners in person.

versus

STATE

..... Respondents

Through: Mr. Rahul Mehra, Standing
Counsel with Mr. Jamal Akhtar Advocate
along with SI Raj Kumar, P.S. Kapasheda,
Delhi.

Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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30.08.2017

Crl.M.A. 14115/2017 (exemption)

Exemption allowed subject to all just exceptions.

Application is disposed of.

W.P.(CRL) 2464/2017

1. Notice. Learned APP, who appears on an advance copy having been served, accepts notice.
2. Notice to respondent no. 2 also. She is present in court and accepts notice. She is duly identified by IO SI Raj Kumar.
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. 529/2015, registered on 31.12.2015 with Police Station Kapashera, South West, Delhi, under Sections 498A/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 12.06.2009 as per Hindu rites and ceremonies at Ghaziabad (U.P.). After the solemnization of marriage, the couple started residing at the matrimonial home. Out of this wedlock, three children namely Master Love, Master Kush and Master Akshat were born on 02.11.2010, 26.12.2012 and 12.06.2015 respectively.
5. Due to some temperamental differences between the petitioner No.1 and respondent No.2 they could not reconcile with each other. Resultantly, the respondent no.2 left the matrimonial home w.e.f. 08.08.2015.
6. The respondent No.2. lodged a complaint with CAW Cell, Delhi which culminated into the said FIR against the petitioners. She has also filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short 'DV Act') against the petitioners.
7. On making a reference by learned MM, Mahila Court, both the parties appeared before the learned Mediator, Delhi Mediation Centre, Dwarka Courts, New Delhi. On 09.07.2016, both the parties resolved and settled all their disputes before the learned Mediator. The petitioner No. 1 and respondent No.2 have

decided to live together peacefully. Respondent No.2 present in the court states that she has settled the matter with the petitioners voluntarily, without any force or coercion. The petitioner No.1 and respondent No.2 submit that now they have no disputes with each other and are residing peacefully.

8. Pursuant to the settlement between the parties, the respondent No.2 had withdrawn her petition under Section 12 of the D.V. Act. She 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.
9. Learned standing counsel through the IO submits that the charge sheet has been filed against the petitioners.
10. Since the parties have amicably settled their all disputes, no purpose would be served in further pursuing the said FIR. Hence, to secure ends of justice, the FIR bearing No. 529/2015, registered on 31.12.2015 with Police Station Kapashera, South West, Delhi, under Sections 498A/34 IPC and proceedings arising out of the same are hereby quashed.
11. The petition is disposed of accordingly.
12. Order *DASTI*.

VINOD GOEL, J.

AUGUST 30, 2017

"sandeep"