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

+ **W.P.(CRL) 2375/2017**

NARESH KUMAR & ANR.

..... Petitioners

Through: Mr. R.P.S. Sirohi, Advocate with
Mr. Naresh Kumar, Advocate along with
petitioner No.1 in person.

versus

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

..... Respondents

Through: Mr. Sanjay Lao ASC with
Mr.Siddharth Sandhu, Advocate along with
SI Anita, PS Pashim Vihar, Delhi.

Mr.Rajendra Singh, Advocate for R-2 along
with respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

22.08.2017

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Crl.M.A. 13502/2017 (exemption)

Exemption allowed subject to all just exceptions.

Application is disposed of.

W.P.(CRL) 2375/2017

1. Notice. Learned ASC for the State, who appears on an advance copy, accepts the notice.
2. Notice to respondent No.2 also. She is present and accepts the notice. She is being represented by her counsel. She is duly identified by the IO SI Anita.

3. The petitioners have invoked the writ jurisdiction of this court under Article 226 of the Constitution of India for quashing of the FIR bearing No.218/2016, registered on 26.04.2016 with Police Station Paschim Vihar, Delhi (West District), 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 27.11.2004 as per Hindu rites and ceremonies. Out of this wedlock, three children Master Deepanshu (now aged 10 years), daughter Nancy (now aged 8 years) and another daughter Shivani (now aged 4 years) were 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 in the year 2015 and started living with her parents.
6. The respondent No.2 filed a complaint No.87 of 2016 with CAW Cell, West District, Delhi on 08.02.2016 which culminated into the said FIR against the petitioners. Respondent No.2 also filed a petition for maintenance u/s 125 of the Code of Criminal Procedure, 1973 (in short Cr.P.C) against the petitioner No.1 on 23.12.2015 in the court of learned Principal Judge, Family Courts, West District, Delhi, bearing No.MT-05/2016.
7. However, the parties have resolved and settled all their disputes before the learned Principal Counsellor, Family Court on

08.09.2016. They started living together peacefully since 25.08.2016. Their statements were recorded by learned Principal Judge, Family court, on 10.01.2017 to this effect.

8. The petitioner No.1 and respondent No.2 are present in the court and both submit that they are residing together peacefully with their children. The respondent No.2 submits that she had withdrawn her petition u/s 125 Cr.P.C. filed before the learned Principal Judge, Family Court (West), Tis Hazari, Delhi, on 10.01.2017. She submits that she does not want to pursue the said FIR. She submits that the said FIR may be quashed.
9. Learned ASC through the IO submits that the charge sheet has so far not been filed.
10. The parties have amicably settled their all disputes and no purpose would be served in further pursuing with the said FIR. Hence, to secure ends of justice, the FIR bearing No.218/2016, registered on 26.04.2016 with Police Station Paschim Vihar, Delhi (West District), under Sections 498A/406/34 and proceedings arising out of the same are hereby quashed.
11. The petition is disposed of accordingly.
12. Order *dasti*

VINOD GOEL, J.

AUGUST 22, 2017/_{sandeep}