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

+ W.P. (CRL.) 2427/2017

ARUN PAL YADAV

..... Petitioner

Through: Mr.Animesh Gaba, Advocate with
petitioner in person.

versus

THE STATE & ANR

..... Respondents

Through: Ms. Nandita Rao, APP for the State with
SI Gajender, CAW Cell, Nanakpura, Delhi.
Mr. V.V.R. Rao, Advocate along with R-2 in
person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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28.08.2017

Crl.M.A. 13851/2017 (exemption)

Exemption allowed subject to all just exceptions.

Application is disposed of.

CRL.M.C. 2427/2017

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 being represented by her counsel. She is duly identified

by the SI Gajender.

3. The petitioner has invoked the writ jurisdiction of this court under Article 226 of the Constitution of India for quashing of the FIR bearing No.193/2016, registered on 01.11.2016 with Police Station Crime (Women) Cell, Nanak Pura, Delhi under Sections 498A/406/34 IPC on the complaint of respondent no.2.
4. The marriage of the petitioner no. 1 with respondent no. 2 was solemnized on 15.02.1995 as per Hindu rites and ceremonies. Out of this wedlock two children namely Ms.Kajal Yadav and Master Manish Yadav, who were born on 20.02.1997 and 01.03.2000 respectively.
5. Due to temperamental differences between the petitioner and respondent No.2, they could not reconcile with each other. The respondent No.2 continued to reside at the Government accommodation allotted to the petitioner bearing No.H-8, Police Colony, Mehram Nagar, New Delhi alongwith both the children. The petitioner has been residing separately.
6. The respondent no.2 lodged a complaint in CAW Cell which culminated into the said FIR against the petitioner. She had filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short 'DV Act') before the court of learned MM, Mahila Court, Patiala House, New Delhi.
7. On making reference by the learned MM, Mahila Court, the parties had appeared before the learned Mediator, Delhi Mediation Centre, Patiala House Court, New Delhi. They amicable resolved and settled

all their disputes on 02.06.2017.

8. As per the settlement, the petitioner had agreed to pay as maintenance a sum of Rs.22,000/- per month w.e.f. 01.07.2017 to the respondent No.2 and both children by RTGS in the bank account of respondent No.2 by 7th day of each Calendar month. There were arrears of Rs.3,40,000/- upto the month of June, 2017 against the petitioner, who had agreed to pay the said amount to the respondent No.2. He handed over to respondent No.2 four post dated cheques of Rs.85,000/- each dated 08.06.2017, 08.08.2017, 08.10.2017 and 08.12.2017. Both, the petitioner and respondent No.2 confirm all the terms and conditions of the mediation settlement dated 02.06.2017. It was also agreed that the children of petitioner and respondent No.2 shall remain in custody of respondent No.2. It was agreed that the petitioner shall have the visitation rights to meet the children every Sunday between 09:00 AM to 11:00 AM at the said Government accommodation. Respondent No.2 had also agreed to withdraw her petition under Section 12 of the D.V. Act.
9. Learned APP through the IO submits that the charge sheet has so far not been filed.
10. Pursuant to the settlement, the respondent no. 2, present in the court, states that she had withdrawn her petition under Section 12 of D.V. Act from the court of learned MM, Mahila Court, Patiala House, New Delhi. She also submits that two cheques out of the four post dated cheques have been encashed. She submits that she has been receiving the maintenance amount of Rs.22,000/- per month w.e.f July, 2017

from the petitioner. The respondent no. 2 states that she has willingly settled the matter with the petitioner without any force or coercion and she does not want to pursue the said FIR. She submits that the FIR may be quashed.

11. The parties shall remain bound by the terms and conditions settled in the mediation centre.
12. In these circumstances, when the matter has been amicably settled between the parties, no purpose would be served in further pursuing with the said FIR. Hence, to secure ends of justice, the FIR bearing No.193/2016, registered on 01.11.2016 with Police Station Crime (women) Cell, Nanak Pura, Delhi under Sections 498A/406/34 IPC and proceedings arising out of the same are hereby quashed.
13. The petition is disposed of.

VINOD GOEL, J.

AUGUST 28, 2017
"sandeep"