

\$~31

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

+ CRL.M.C. 3702/2017

VINOD KUMAR & ORS

..... Petitioners

Through: Mr.Pravesh Kumar, Advocate with
petitioners in person.

versus

STATE GOVT OF NCT OF DELHI & ORS

..... Respondents

Through: Mr.Amit Chadha, APP for State with
ASI Vinod Kumar Tyagi, CAW Cell/East, PS
Vivek Vihar, Delhi.

Ms.Sandhya Singh, Advocate for R-2 along with
respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

%

12.09.2017

Crl.M.A. 15062/2017 (exemption)

Exemption allowed subject to all just exceptions.

Application is disposed of.

CRL.M.C. 3702/2017

1. Notice. Learned APP, who appears on an advance copy having been served, accepts notice.
2. Notice to respondent no. 2 also. She appears in person and accepts notice. She is being represented by her counsel. She is duly identified by IO ASI Vinod Kumar Tyagi.
3. The petitioners have approached this court under Section 482 of the Code of Criminal Procedure, 1973 (in short 'Cr.PC') for quashing of

the FIR bearing No. 343/2013, registered against them on 11.09.2013 with Police Station Vivek Vihar, East District, Delhi, under Sections 406/498A/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 15.12.2002 as per Hindu rites and ceremonies. After the solemnization of marriage, the couple started residing at the matrimonial home. However, out of this wedlock no child was born.
5. Due to some temperamental differences between them, they could not reconcile with each other. Resultantly, the respondent no.2 left the matrimonial home in the year 2012 and started residing separately.
6. The respondent no. 2 lodged a complaint in CAW Cell which culminated into the said FIR. She had filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short 'DV Act') against the petitioner before the court of learned MM, Karkardooma Courts, Delhi. The petitioner No.1 had preferred a petition for divorce under Section 13 (1) (i-a) of Hindu Marriage Act, 1955 (in short 'HM Act') against the respondent No.2 before the Principal Judge, Family Courts, Karkardooma Courts, Delhi.
7. On making reference by the learned MM, Karkardooma Courts, Delhi the petitioner No.1 and respondent No.2 had appeared before the learned Mediator in Delhi Mediation Centre, Karkardooma Courts, Delhi. On 28.09.2016, they had amicably resolved and settled all their disputes before the learned Mediator. They had decided to live together peacefully. The respondent No.2 had agreed to withdraw her petition u/s 12 of D.V. Act. The petitioner No.1 had also agreed to withdraw his petition under Section 13 (1) (i-a) of H.M. Act.

8. The respondent no. 2 submits that she had withdrawn her petition filed under Section 12 of DV Act. The petitioner no. 1 submits that he had also withdrawn his petition filed under Section 13 (1) (i-a) of HM Act.
9. The petitioner No.1 and respondent No.2 submit that they have been residing together peacefully for about one year. They submit that now they do not have any dispute or problem with each other.
10. The respondent No.2 submits that she had voluntarily settled the matter with the petitioner without any force or coercion. 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.
11. Learned APP through IO submits that the charge sheet has already been filed.
12. 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. 343/2013, registered on 11.09.2013 with Police Station Vivek Vihar, East Delhi District, Delhi, under Sections 406/498A/34 IPC and proceedings arising out of the said FIR are hereby quashed.
13. The petition is disposed of accordingly.
14. *DASTI.*

VINOD GOEL, J.

SEPTEMBER 12, 2017

"sandeep"