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

+ W.P.(CRL) 2601/2017

CHANDER PRAKASH NAWAJA @ SACHIN & ORS... Petitioners

Through: Mr.Aditya Soni, Advocate along with
petitioner no.1 in person.

versus

GOVT OF NCT OF DELHI & ANR

..... Respondents

Through: Mr.Rajesh Mahajan, ASC for State with
Mr.Sachin Gupta, Advocate along with ASI Shri
Ram, PS Hari Nagar, Delhi.
Respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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08.09.2017

Crl.M.A. 14894/2017 (exemption)

Exemption allowed subject to all just exceptions.

Application is disposed of.

W.P.(CRL) 2601/2017

1. Notice. Learned ASC, who appears on an advance copy having been served, accepts notice.
2. Notice to respondent no. 2 also. She appears in person and accepts the notice. She is duly identified by IO ASI Shri Ram.
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.1198/2015 registered on 26.08.2015 against them with Police Station Hari Nagar, West District, Delhi, under Sections 498A/406/34 IPC on the complaint of respondent No.2.

4. The marriage of the petitioner no.1 and the respondent no. 2 was solemnized on 24.07.2008 as per Hindu rites and ceremonies at New Delhi. Out of this wedlock two children were born namely (1) Jai Baweja (son) on 08.07.2009 (2) Khyati (daughter) on 10.12.2010.
5. After solemnization of their marriage, the petitioner no. 1 and the respondent no. 2 started residing together in the matrimonial home. 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 on 28.03.2014 and started residing separately with her parents.
6. The respondent no. 2 lodged a complaint with CAW Cell which culminated into said FIR.
7. On making reference by the CAW Cell, West, Kirti Nagar, Delhi, the parties had appeared before the learned Mediator, Delhi Mediation Centre, Tis Hazari Courts, Delhi. On 08.01.2015, the petitioner no.1 and the respondent no. 2 had resolved and settled all their disputes before the learned Mediator. By this settlement, the petitioner no. 1 and the respondent no. 2 had decided to live together along with their children. The petitioner no. 1 had undertaken to give due care, love and affection to his wife and children and maintain them properly.
8. The respondent No.2 states that she had voluntarily settled and resolved all her disputes with the petitioners without any force and coercion. The petitioner no. 1 and the respondent no. 2 submit that

they are now residing together peacefully for about one year and they do not have any dispute or problem with each other. She further submits that since she has been residing with the petitioner no. 1 peacefully, she does not want to pursue the said FIR. She submits that the said FIR may be quashed.

9. Learned ASC through IO submits that the charge sheet has not been filed.
10. Since the matter has been amicably settled between the parties and they are living together peacefully with their children, no fruitful purpose would be served in further pursuing the said FIR. Hence, to secure ends of justice, the FIR bearing No.1198/2015 registered on 26.08.2015 with Police Station Hari Nagar, West District, Delhi, under Sections 498A/406/34 IPC and proceedings arising out of the said FIR are hereby quashed.
11. The petition is disposed of accordingly.
12. DASTI.

VINOD GOEL, J.

SEPTEMBER 08, 2017

"shailendra"