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

+ **CRL.M.C. 523/2024**

ANKUR AWASTHI & ANR.

..... Petitioners

Through: Mr. Jeewan Chandra, Advocate
alongwith petitioners in person

versus

STATE GOVT. OF NCT OF DELHI AND ANR. Respondents

Through: Mr. Naresh Kumar Chahar, APP for
the State with SI Vijay Pal Singh, P.S.
C.W.C. Nanakpura, Delhi

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

23.01.2024

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1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of petitioner seeking quashing of FIR bearing no. 13/2013 registered at Police Station CAW, Nanakpura, Delhi for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 ('IPC').
2. Issue notice. Mr. Naresh Kumar Chahar, learned APP accepts notice on behalf of the State.
3. Petitioners are present before this Court and have been identified by their counsel Mr. Jeewan Chandra and Investigating Officer (IO) SI Vijay Pal Singh from Police Station C.W.C. Nanakpura, Delhi.
4. Briefly stated, the facts of the present case are that the marriage between petitioner no.1 and respondent no. 2 was solemnized on 27.02.2009



according to Hindu rites and ceremonies at Lodhi Raod, New Delhi. One girl child was born on 18.10.2009 out of the said wedlock. It is stated that due to misunderstanding, both the parties started residing separately since 10.11.2010. It is further stated that on the complaint of respondent no. 2 before the CAW Cell, an FIR bearing no. 13/2013 was registered at Police Station CAW Nanakpura, Delhi for offence punishable under Section 498A/406/34 of IPC against the petitioners. After completion of investigation, chargesheet was filed before the concerned Court. It is further stated that respondent no. 2 had also filed a petition under Section 125 Cr.P.C. as well as Divorce Petition under Section 13(i)(a) of HMA besides Section 12 of PWDV Act against petitioner no. 1 which was only divorce petition in favour of respondent no. 2 *vide* decree dated 16.02.2019. Thereafter, parties had amicably resolved their disputes before the Mediation Centre, Dwarka Courts, New Delhi on 09.04.2019 and again started to live together and solemnized marriage on 16.04.2023 at Arya Samaj Mandir, New Delhi.

5. On a query made by this Court, respondent no.2 who has been identified by the IO, has categorically stated that she has entered into compromise out of her own free will and without any pressure, coercion or threat. It is also stated by respondent no.2 that the entire dispute has been amicably settled between them and that she has no objection, if the FIR be quashed.

6. In view of the above fact that the parties have amicably resolved their differences of their own free will, and without any coercion, no useful purpose will be served by continuing the proceedings, rather the same would result in causing harassment to the parties and the child born from the



wedlock. It would thus be in interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

7. Considering the overall facts and circumstances of the case and the fact that both the parties are staying together happily with their child from April, 2023, it will be in fitness of things that the FIR is quashed.

8. Accordingly, FIR bearing no. 13/2013 registered at Police Station CAW, Nanakpura, Delhi for offences punishable under Sections 498A/406/34 of IPC and all consequential proceedings emanating therefrom are quashed.

9. The petition stands disposed of.

10. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 23, 2024/ns

Click here to check corrigendum, if any