

**Sunil Kumar vs.the State (Govt. Of Nct of Delhi ) & Anr.**

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**SooperKanoon Citation :** [sooperkanoon.com/1209692](http://sooperkanoon.com/1209692)

**Court :** Delhi

**Decided On :** Oct-12-2017

**Appellant :** Sunil Kumar

**Respondent :** The State (Govt. Of Nct of Delhi ) & Anr.

**Judgement :**

IN THE HIGH COURT OF DELHI AT NEW DELHI \$~45 \* + W.P.(CRL) 2872/2017  
SUNIL KUMAR .....

... Petitioner

Through: Mr.Rajinder Juneja, Advocate along with petitioner in person. versus  
THE STATE (GOVT. OF NCT OF DELHI ) & ANR....

... RESPONDENTS

Through: Mr.Sanjay Lao, ASC for State with SI Gajender Singh, PS CWC, Malviya  
Nagar, Delhi. Respondent No.2 in person. CORAM: HON'BLE MR. JUSTICE  
VINOD GOEL %

ORDER

1210.2017 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 notice. She  
is duly identified by IO SI Gajender Singh.

3. The petitioner has 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.180/2016, registered against him on 05.10.2016 with Police Station CWC, Nanak Pura, District Special Police Unit for Women and Children, Delhi, under Sections 498A/4 IPC on the complaint of respondent No.2.

4. The marriage of the petitioner with the respondent No.2 was solemnized on 28.11.2010 as per Hindu rites and ceremonies in Delhi. W.P. (Crl.) No.2872/2017 Page 1 of 3 Out of this wedlock, one male child namely Aryan Kumar was born on 25.11.2012.

5. After solemnization of their marriage, the petitioner and the respondent no.2 started residing together in the matrimonial home. After the birth of the child, due to some temperamental differences between the petitioner and the respondent no.2, they could not reconcile with each other. Resultantly, the respondent no.2 left the matrimonial home and started residing separately.

6. The mother of the respondent No.2 lodged a complaint against the petitioner before the CAW Cell which culminated into the said FIR. The respondent No.2 preferred a petition under Section 125 of Cr.PC against the petitioner in the court of learned Principal Judge, Family Court, Tis Hazari, Delhi for maintenance against the petitioner.

7. The petitioner also preferred a petition bearing No.GS-10/2016 under Section 7 and 25 of the Guardianship and Wards Act, 1890 for custody of the child before learned Principal Judge, Family Court, Patiala House Courts, Delhi.

8. On 20.03.2017, the parties had amicably resolved and settled all their disputes before the learned Principal Counsellor attached to the learned Principal Judge, Family Court, Patiala House Courts, New Delhi in the Guardianship petition bearing No.GS-10/2016. As per the settlement, the petitioner and the respondent No.2 had decided to reside together peacefully. The petitioner had agreed to bear all household expenses including their child's education etc. It was further decided that both the parties shall withdraw their respective petitions filed against each

other. W.P. (Crl.) No.2872/2017 Page 2 of 3 9. The respondent No.2 states that she had voluntarily settled and resolved her all disputes with the petitioner without any force and coercion.

10. The petitioner had withdrawn his petition under Section 7 & 25 of the Guardianship and Wards Act, 1890 on 22.05.2017 from the concerned court. The respondent No.2 had also withdrawn her petition filed under Section 125 of Cr.PC from the concerned court.

11. The petitioner and the respondent no.2 submit that they have been residing together since April, 2017 and they do not have dispute or problem with each other. Respondent No.2 submits that she does not want to pursue the said FIR. She submits that the said FIR may be quashed.

12. Learned ASC through the IO submits that the charge sheet has so far not been filed.

13. Since the parties have amicably settled their all disputes, no fruitful purpose would be served in further pursuing the said FIR. Hence, to secure ends of justice, the FIR bearing No.180/2016, registered on 05.10.2016 with Police Station CWC, Nanak Pura, District Special Police Unit for Women and Children, Delhi, under Sections 498A/4

IPC and proceedings arising out of the said FIR are hereby quashed.

14. The petition is disposed of accordingly.

15. DASTI. OCTOBER12 2017 shailendra W.P. (Crl.) No.2872/2017 VINOD GOEL, J.

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