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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 3134/2010 & CrI.M.A. No.15853/2010

GANPAT LAL Petitioner
Through : Mr. Hari Shankar, Adv.

versus

STATE Respondent
Through : Mr. O.P. Saxena, ASC for the State.
Respondent No.2/complainant
in person.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% 30.09.2010

1. The present petition is filed by the petitioner under Section 482 Cr.P.C. praying *inter alia* for quashing of FIR No.251/2009 lodged by the respondent No.2/complainant, against her husband/petitioner, under Sections 363 IPC with PS Shalimar Bagh, Delhi and all proceedings arising therefrom.

2. Counsel for the petitioner states that the marriage of the petitioner and the respondent No.2/complainant was solemnized in April, 2008. Subsequently, as disputes and differences arose between petitioner and the respondent No.2/complainant, the latter started living away from her matrimonial home with her parents, which was followed by lodging of the aforesaid complaint on 24.8.2009.

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file and no page is missing.

Incidentally, the respondent No.2/complainant has a child from her previous marriage. ✓

3. It is alleged in the FIR that while the respondent No.2/complainant was out on duty, the petitioner came to her parental home and took away the minor child by inducing her. However, while the proceedings are still pending in respect of the FIR, the matter stands settled with the respondent No.2/complainant and as a result, the respondent No.2/complainant has reunited with the petitioner, her husband, and does not wish that any further action be taken in the present proceedings.

4. The respondent No.2/complainant, who is present in the Court, confirms the aforesaid position. She states that she has no objection to the quashing of the aforesaid FIR, lodged by her, as she is living with the petitioner peacefully and that she has no surviving grievance against him.

5. Learned APP for the State, on instruction from the IO, confirms the fact that the parties have arrived at a settlement and now they are living together. He, therefore, does not oppose the prayer made in the present petition.

6. Having regard to the aforesaid submission made by the counsel for the petitioner and taking into consideration the fact that the

petitioner and the respondent No.2/complainant are now cohabiting at their matrimonial residence, no useful purpose will be served by proceeding further with the aforesaid FIR and the proceedings arising therefrom.

7. Accordingly, the prayer made in the petition is allowed and the FIR No.251/2009 lodged by the respondent No.2/complainant with PS Shalimar Bagh, Delhi and all proceedings arising therefrom stand quashed.

8. The petition is disposed of along with the pending application. File be consigned to the record room.

SEPTEMBER 30, 2010
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HIMA KOHLI,J