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% 01.12.2010

Present: Mr. S.A. Khan and Mr. Manoranjan Gaur, Advs. for the Petitioners along with petitioners in person.
Mr. Pawan Sharma, Standing Counsel (Crl.) with the State with Mr. Kushagra Arora and Ms. Damini, Advs. with SI K.J. Singh, P.S. Mandawali.
Respondent no. 2 in person.

+ Crl. M.A. 17944/2010

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Allowed, subject to all just exceptions.

Application stands disposed of.

+ W.P. (Crl.) 1764/2010

Petitioner no. 1 is daughter and petitioner no. 2 is son of respondent no.2. It appears that petitioners misused ATM Card of their mother i.e. respondent no. 2 and withdrew ₹6 lakhs. This led to registration of FIR in question. It appears that respondent no. 2 had taken divorce from her husband i.e. father of the petitioners and had re-married. Petitioners are living with their father at Bijnaur (U.P.) while respondent no. 2 is residing in Delhi. Now, respondent no. 2 has condoned the act of her children keeping in mind their future. Petitioners have also realized their mistakes. Money was withdrawn by the petitioners between 15th July, 2010

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to 16th August, 2010. Whole of the money was not spent by the petitioners and they have returned the same to respondent no.2. Respondent no.2, who is present in the Court, states that she has no objection if the FIR in question is quashed.

Keeping in mind the peculiar facts of the case, in larger interest, FIR 440/2010 under Sections 380/420 IPC registered at Police Station Mandawali Fazalpur and consequent proceedings emanating therefrom are quashed.

Petition is disposed of in the above terms.

Dasti.

DECEMBER 01, 2010

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A.K. PATHAK, J.