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

Date of Decision: 9th July, 2015

+ CRL.M.C. 1198/2015 & CrI.M.A.4889/2015

REJEESH R. & ANR. Petitioners

Through: Mr.D.K. Devesh, Advocate

versus

GOVT OF NCT OF DELHI & ANRRespondents

Through: Mr. Karan Singh, Additional
Public Prosecutor for respondent-
State with SI Bhagwan Singh

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **(ORAL)**

Quashing of FIR No. 172/2012, under Sections 498A/406/34 of the IPC, registered at police station Sagar Pur, New Delhi is sought on the basis of Settlement Deed of 23rd September, 2013 (*Annexure P-2*) and on the ground that the marriage between petitioner No.1-husband and respondent No.2-wife stands dissolved by mutual consent.

Notice issued to the respondent/complainant has been received back served through her mother. None has appeared on behalf of respondent No.2.

Learned counsel for petitioners submits that respondent No.2 is not appearing for evidence before the trial court and that the Deed of Settlement of 23rd September, 2013 (*Annexure P-2*) has been already

acted upon and thereafter only, divorce by mutual consent has been obtained by the parties. It is submitted that fresh address of respondent No.2 is not known.

In such a peculiar situation, it is deemed appropriate to direct the trial court to secure the presence of respondent No.2 to confront her with the aforesaid Settlement of Deed of 23rd September, 2013 (*Annexure P-2*) and upon respondent No.2 abiding by it, then proceedings be closed. If respondent No.2 does not appear before the trial court, even then proceedings arising out of FIR in question be closed. Upon application for exemption being filed by petitioners, their personal appearance be not insisted upon by the trial court.

Trial court be apprised of this order forthwith.

This petition and application are disposed of with clarification that this order be not treated as precedent in future.

(SUNIL GAUR)
JUDGE

JULY 09, 2015

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