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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2703/2015**
MEET SINGH & ANR

..... Petitioner
Through: Ms.Sunita Arora, Adv. for Ms. Jyoti
Gupta, Adv.

versus

STATE & ANR

..... Respondent
Through: Ms.Kamna Vohra, ASC.
SI Shyam Lal, P.S. Kalyan Puri

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER
% **27.11.2015**

Petitioner No.1 is the husband of respondent No.2 whereas petitioner No.2 is the younger brother of petitioner No.1.

The petitioners have sought quashing of FIR No.1046/2015 (P.S. Kalyan Puri) instituted for offences under Sections 324/341/506/34 of the IPC.

Respondent No.2 has alleged in the first information report that she had some verbal duel with her sister-in-law i.e. wife of petitioner No.2. Thereafter the petitioners i.e. the husband and brother-in-law of respondent No.1 came home, abused her and assaulted her as well. Petitioner No.2 is said to have hit respondent No.2 on her lips by some pointed object. The averments made in the FIR reflects physical injuries on the person of respondent No.2. As is obvious from the reading of the FIR, the petitioners

and respondent No.2 live together. They are members of the same family and live under the same roof. There appears to be some domestic dispute on a petty issue.

The petitioners and respondent No.2 are present in Court. Respondent No.2 has categorically stated before the Court that out of extreme anger she went to the Police Station to lodge a case against her own husband and brother-in-law. She further submits that now she has no desire to prosecute the present FIR any further. Allowing investigation in the subject FIR to be continued any further, would amount to create disturbance in the marital life of respondent No.2.

Considering the nature of accusation, the fact that the petitioners are directly related to respondent No.2 and that respondent No.2 has chosen to forget and to ignore what happened on the date of the occurrence, this Court is inclined to quash the FIR. Otherwise also, assuming the allegations in the FIR to be taken on its face value, ex-facie true, no offence can at all be said to have been made out. The allegations raised by respondent No.2 in a fit of rage do not provide sufficient ingredients for bringing home the offences which have been charged on the petitioners.

Considering the aforesaid facts, the subject FIR (FIR No.1046/2015, P.S. Kalyan Puri) and all the emanating proceedings thereof are set aside.

The petition is allowed.

ASHUTOSH KUMAR, J

NOVEMBER 27, 2015/ns