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

+ **W.P.(CRL) 151/2016**

NEERAJ BANSWAL & ANR Petitioners
Through: **Ms. Charu Dalal, Adv.**

versus

STATE (GOVT OF NCT OF DELHI) & ORS Respondents
Through: **Mr. Ashish Aggarwal, ASC (Crl.)**
with Mr. Piyush Singhal, Advocate
SI Baljinder Singh, P.S. Prasad Nagar

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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01.02.2016

The present is a petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C, 1973 seeking quashing of FIR No. 285/2014 under Section 498A/308/34 IPC registered at Police Station-Prasad Nagar, Delhi.

The subject FIR came to be registered on an allegation that the mother-in-law of the complainant Ms. Rinki had pushed the latter as well as her two minor daughters from the balcony of her matrimonial house on 01st June, 2014.

Ms. Rinki, the complainant, who is present in person in Court today has recorded her statement before the concerned Metropolitan Magistrate, Delhi on 28th January, 2016 to the effect that in fact she was not pushed by her mother-in-law as alleged and that the death of her minor

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children and the injury suffered by her were occasioned by the circumstance that she had both the said daughters in her arms and that her foot slipped on the balcony while she was trying to pacify her daughters.

The statement of the complainant Ms. Rinki in the subject FIR dated 28th January, 2016 has been handed over in Court today and the same is taken on record. In view of the foregoing counsel appearing on behalf of the petitioners as well as the complainant Ms. Rinki urge that the subject FIR may be quashed.

I have spoken to the complainant Ms. Rinki who is present in person in Court today and she has confirmed the veracity of the statement made by her before the concerned Magistrate as above mentioned. On a query from the Court, complainant Ms. Rinki has stated that owing to the trauma suffered by her as a consequence of the premature demise of her minor daughters as well as debilitating injuries suffered by her to her spine, she was constrained to register the subject FIR against her mother-in-law and husband in this behalf.

It is also brought to my notice that a sum of Rs. 6,00,000/- (six lakhs) has been received by the complainant Ms. Rinki from her petitioner husband towards settlement of the outstanding marital disputes between the parties.

In view of the foregoing, I am satisfied that no useful purpose shall be served by proceeding with the subject FIR and the proceedings arising therefrom, since it is evident that the subject FIR has already caused immense trauma and anguish to the complainant Ms. Rinki and since the complainant herself is no longer inclined to prosecute the subject FIR and the proceedings arising therefrom against her husband and mother-in-law.

In the circumstances, FIR No. 285/2014 under Sections 498A/308/34 IPC registered at Police Station-Prasad Nagar, Delhi and the proceedings emanating therefrom are hereby set aside and quashed qua the petitioners subject to their depositing a sum of Rs.15,000/- each (Rupees Fifteen Thousand) with the Victim Compensation Fund within a period of two weeks from today. Receipt be provided to the IO in the subject FIR.

Dasti.

SIDDHARTH MRIDUL, J

FEBRUARY 01, 2016

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