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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CRL.M.C. 1926/2016
SANJAY KAPOOR & ORS

..... Petitioner

Through Mr M.M. Singh, Adv. alongwith petitioners
in person

versus

STATE NCT OF DELHI & ANR

..... Respondent

Through Mr Mukesh Kumar, Additional Public
Prosecutor for the State alongwith ASI
Dharamvir Sing Police Station CWC,
Nanakpura, Delhi
Counsel for the respondent no.2 (presence
not given) alongwith the respondent no.2
(father of complainant) in person

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

% 18.05.2016

CrI. MA 8188/2016 (exemption)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 1926/2016 & CrI. MA 8189/2016 (delay)

This is a petition under S. 482 Cr.PC moved by the petitioners for quashing of FIR No.128/2009 registered at Police Station CAW Cell, Nanakpura, Delhi under Ss. 498A/406/34 IPC and consequent proceedings emanating therefrom on the ground that the parties have compromised the matter.

Learned counsel for the petitioners submits that the terms of settlement were drawn during the lifetime of complainant when the divorce was granted. Respondent no.2, who is father of complainant, is present in person and states that although he is not opposing the quashing of the FIR, however, there is a child out of the wedlock who is living with him and no provision has been made by the petitioners to look after the minor child. He himself is a retired senior citizen. It is submitted by learned counsel for the petitioners that in the settlement, there was no provision for providing any maintenance to the child and the respondent no.2 may, if so desires, take necessary steps for claiming

maintenance of child.

Without expressing any opinion on this aspect and in view of peculiar facts and circumstances of the case, it is not a fit case for quashing of FIR on account of settlement.

The petition is accordingly dismissed.

Pending application also stands disposed of.

SUNITA GUPTA, J

MAY 18, 2016/*rd*