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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 2138/2016

ANAND @ SONU & ORS.

..... Petitioner

Through

Mr. Mukesh Hooda, Advocate along with
the petitioners in person

versus

THE STATE N.C.T OF DELHI & ANR.

..... Respondent

Through

Mr. Ashok K. Garg, APP along with SI
Ranveer Singh, PS New Ashok Nagar
Mr. Inderpal, Advocate for R-2 along with
R-2 in person

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

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30.05.2016

Crl. MA 9051/2016 (exemption)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

Crl. MC 2138/2016 & Crl. M.A. No. 9050/2016(stay)

This is a petition u/s 482 Cr.P.C. moved by the petitioners for quashing of FIR No.417/2008 registered at Police Station New Ashok Nagar under Ss.498A/406/34 IPC and consequent proceedings emanating therefrom on the ground that the parties have compromised the matter.

It is submitted by counsel for the petitioners that respondent No.2 and petitioner No. 1 were got married on 9th February, 2007 as per Hindu Rites and Customs and after the marriage, respondent No.2 and petitioner No.1 lived together and cohabited as husband and wife. Due to temperamental differences, they started living separately since 12th March, 2008. On 31st December, 2008, the aforesaid FIR was registered by respondent No. 2 against petitioner Nos.1 to 3 and subsequently chargesheet was filed by the police and now the case is pending for trial before MM (Mahila Courts), Karkardooma Courts, Delhi.

It is further submitted that during the pendency of trial, best efforts have

been made by the parties themselves, their relatives and other respected persons of the locality to resolve the matter and respondent No. 2 and petitioner No. 1 has settled all their disputes peacefully and amicably without any threat coercion duress and undue force. The parties are living together since 5th May, 2013 and thereafter one child has been born on 29th May, 2014. It is, therefore, prayed that the instant FIR be quashed.

The respondent No.2/complainant, who is present in person (duly identified by the Investigating Officer of the case), submits that she has amicably resolved all disputes with the petitioners and is living peacefully with her husband since 5th May, 2013 and has been blessed with a child on 29th May, 2014. She further states that she has settled the matter with the petitioners voluntarily without there being any threat, coercion or pressure of any sort and in view of the settlement arrived at between the parties, she does not want any action against the petitioners and has no objection to quashing of the instant FIR.

Mr Ashok Kumar Garg, Additional Public Prosecutor for the State submits that in view of the settlement arrived at between the parties, he has no objection to quashing of FIR.

Keeping in view the facts that since the parties have compromised the matter with each other amicably and now living together since 2014, this matter deserves to be given a quietus as continuance of proceedings arising out of the FIR in question would be an exercise in futility and wastage of precious time of the Court.

Accordingly, the petition is allowed and the of FIR No.417/2008 registered at Police Station New Ashok Nagar under Ss.498A/406/34 IPC and consequent proceedings emanating therefrom are hereby quashed.

The petition stands disposed of accordingly.

A copy of this order be given *dasti* to counsel for the petitioners.

SUNITA GUPTA, J

MAY 30, 2016/rs