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

+ CRL.M.C. 2859/2016 and CrI. M.A. No. 12252/2016 (Stay)

ROHIT GUPTA

..... Petitioner

Represented by: Mr. Praveen Kumar Jain and
Mr. Sanjay Agarwal,
Advocates with petitioner in
person.

versus

STATE & ANR.

..... Respondents

Represented by: Ms. Rajni Gupta, APP for the
State with SI Dev Raj, PS
Bharat Nagar.
Ms. Rachna Aggarwal,
Advocate for respondent No.2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
07.09.2016

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1. By the present petition the petitioner seeks quashing of the FIR No. 86/2013 under Sections 498A/306/34 IPC registered at PS Bharat Nagar, Delhi on the complaint of respondent No.2 who is the mother of the deceased Pooja Gupta, wife of the petitioner, on the ground that the parties have settled the matter and that no charge for offence punishable under Section 306 IPC was framed and charge for offence punishable under Section 498A IPC was only framed.

2. On the last date of hearing, learned APP for the State had accepted notice and sought time to verify the facts and file status report. As per the status report the above noted FIR was registered after one Ms. Pooja Gupta,

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wife of the petitioner was admitted to the hospital with alleged history of consumption of some unknown substance. No suicide note was recovered and no statement of the deceased could be recorded before her death. Statements of Sachin Aggarwal and Pooja Aggarwal, the brother and sister-in-law of Pooja Gupta was recorded who also did not express their doubt and did not level any allegations.

3. Later on respondent No.2 gave a statement on the basis of which FIR No.86/2013 under Sections 498A/406/34 IPC was registered however, on 1st May, 2013 an application duly signed by the parents of the deceased was received wherein they prayed that their statement be re-recorded as their earlier statements recorded were wrong. After re-recording of the statement of Ram Lubaya and Raj Rani charge sheet for offence punishable under Sections 498A/34 IPC was filed against Rohit Gupta, Sudha Gupta, Vishav Bandhu Gupta. Vide order dated 14th January, 2016 the learned Metropolitan Magistrate discharged Rohit Gupta, Sudha Gupta and Vishav Bandhu Gupta, for all the offences however, on a revision filed by the State on 8th February, 2016 the learned Additional Sessions Judge directed framing of charge under Section 498A IPC against Rohit Gupta only and to proceed in accordance with law.

4. Thus the proceedings against the petitioner are for offence punishable under Section 498A IPC only. In the meantime, the parties have settled the matter and statement of respondent no. 2 was recorded by this Court on the last date of hearing, that is, 9th August, 2016 when she appeared in Court and stated that she did not want to pursue the above noted FIR and the proceedings pursuant thereto. The respondent No.2 also stated that she was

on dialysis and was not in a position to come to the Court again and thus she signed the order sheet dated 9th August, 2016 in acknowledgment of her statement made before this Court on the said date.

5. Learned counsel for the respondent No.2 who is present in Court affirms the settlement between the petitioner and the respondent No.2.

6. Considering the fact that the only charge against the petitioner is for offence punishable under Section 498A IPC which has been settled between the petitioner and the respondent No.2 and there is no legal impediment in quashing of the FIR, I deem it fit to quash the above noted FIR and the proceedings pursuant thereto as no useful purpose will be served in pursuing with the same.

7. Consequently, FIR No. 86/2013 under Sections 498A/306/34 IPC registered at PS Bharat Nagar, Delhi and the proceedings pursuant thereto are hereby quashed.

8. Petition and application are disposed of.

9. Order dasti.

MUKTA GUPTA, J.

SEPTEMBER 07, 2016

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