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

+ W.P.(CRL) 1280/2017

OM PARKASH & ANR.

..... Petitioners

Through Mr. Bharat Bhushan, Adv.

versus

STATE OF DELHI & ANR.

..... Respondents

Through Mr. R.S. Kundu, ASC with Mr.
Rakesh Kumar & Mr. Ankit Gullia,
Advs.
ASI Jaswant PS Aman Vihar.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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01.05.2017

The two petitioners who are related to respondent no.2 (complainant) and respondent no.3 (victim), seek quashing of the FIR No.140/2017 dated 05.02.2017 (PS Aman Vihar) instituted for offence under section 365/34 of the IPC.

The respondent no.2 had lodged a complaint on 04.02.2017 alleging that her husband (respondent no.3) had left home along with the petitioners and since then there is no trace of him. She suspected that something wrong could happen with her husband. As a result of the aforesaid complaint, the subject FIR was lodged.

The learned counsel for the petitioners submit that the case was lodged on a misrepresentation/misconception of facts.

The husband of respondent no.2 came back home and told his wife

(respondent no.2) that his telephone was switched off and therefore he could not be contacted. This information was also intimated to the IO.

During the course of investigation, respondent nos.2 & 3 have filed an affidavit regarding the aforesaid misunderstanding. They have also stated that they do not wish to pursue the case any further.

Considering the aforestated facts and taking into account that no useful purpose would be served in keeping the investigation of this case pending, this Court is inclined to quash the subject FIR.

The inherent powers of the High Court, having a wide plenitude, can be used for quashing the FIR for securing the ends of justice and to prevent the abuse of the process of the court.

The present FIR does not disclose any serious offence and it was only because of the misunderstanding between the petitioners and respondent nos.2 & 3 that this case was lodged.

Thus keeping in mind the facts of the case, nature of accusation and the settlement between the parties, the subject FIR No.140/2017 dated 05.02.2017 (PS Aman Vihar) instituted for offence under section 365/34 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

MAY 01, 2017
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