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

+ CRL.M.C. 1675/2017

RAM KUMAR

..... Petitioner

Through: Mr.Azhar Qayum, Advocate

versus

STATE & ANR

..... Respondents

Through: Ms.Kusum Dhalla, APP for the State
with SI Amit Bhardwaj PS Timar Pur

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

12.09.2017

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1. By way of this petition filed under Section 482 Cr.P.C. petitioner is seeking quashing of case FIR No.95/2012 registered under Sections 354/451 IPC at Police Station Timarpur, Delhi on the basis of settlement.
2. Learned counsel for the petitioner seeks adjournment stating that petitioner is not available today due to death of his son.
3. Perusal of the record shows that this petition was listed for hearing for the first time on 26th April, 2017. The petitioner was not present on the first date of hearing and even thereafter, i.e. on 11th May, 2017, 26th July, 2017 and today as well.
4. Learned counsel for the petitioner on being asked about the date of death of the son of the petitioner has informed that son of the petitioner died in March, 2017 meaning thereby that the death of the son of the petitioner had taken place before filing of this petition. Learned counsel for the

petitioner further informs the Court that the complainant/respondent No.2 is also not in India as she has settled abroad.

5. On the last date of hearing the notice sent to respondent No.2/complainant was received back with the report that she was not residing at the given address. The petitioner is seeking quashing of case FIR No.95/2012 registered under Sections 354/451 IPC at Police Station Timarpur, Delhi and the proceedings arising therefrom on the basis of mediation settlement entered into 9th August, 2016 before the Mediation Centre, Tis Hazari Court, Delhi.

6. Since the parties are not appearing before the Court despite ample opportunities being given, the petition is dismissed with liberty to the petitioner to approach the Court as and when the parties are available.

PRATIBHA RANI, J.

SEPTEMBER 12, 2017

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