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

+ **CRL.M.C. 4399/2016**

SEEMA & ANR.

..... Petitioner

Represented by: Mr. Harsh Prabhakar with Mr.
Anirudh Tanwar, Advs. with
petitioners.

versus

STATE GNCT OF DELHI & ORS.

..... Respondent

Represented by: Ms. Aashaa Tiwari, APP for
the State with Insp. Shiv Dutt
Jaimini and ASI Partap Singh,
PS Lahori Gate.
Mr. Abrar Ahmad, Adv.for R-2
with R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

17.04.2017

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Crl.M.A. 6170/2017

Exemption allowed, subject to all just exceptions.

Crl.M.A. 6115/2017

By this application, the petitioners seek leave to place amended
petition on record.

Application is disposed of taking the amended petition on record.

Crl.M.C.4399/2016

1. An explanation has been received from the registry in terms of the last
order.
2. By the present petition, the petitioners seek quashing of complaint

CRL.M.C. 4399/2016

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case No.3445/1 and proceedings pursuant thereto being the trial in SC No.28010/2016 (old No.17/2011) titled *State Vs. Seema & Anr.* on the ground that parties have settled the matter.

3. The above noted proceedings arise out of a complaint case filed by Smt. Shamim Bano who is respondent No.2 herein against the petitioners herein who are respondents in the complaint case. Application under Section 156(3) Cr.P.C. was dismissed and the matter proceeded as a complaint case. After issue of summons to the petitioners for offences punishable under Sections 316/307/34 IPC, the case was committed to the Sessions Court as the offences were triable by the Sessions Court whereafter the above noted Sessions case number was given. Charge for offences punishable under Sections 316/307/34 IPC has been framed against the petitioners. During the pendency of the trial, the petitioners and respondent No.2 have entered into a settlement vide settlement deed dated 26th July, 2016 copy whereof is annexed at pages 102 to 104 of the paper book.

4. Respondent No.2 who is present in Court and identified by learned counsel states that she has settled the matter with the petitioners in terms of settlement deed dated 26th July, 2016 and she does not wish to pursue the above noted complaint case. The petitioners who are present in Court and identified by learned counsel affirm the statement of respondent No.2.

5. As noted above, the application of respondent No.2 seeking directions for registration of FIR under Section 156(3) Cr.P.C. was dismissed and the matter has been proceeded as a complaint case titled *Smt. Shamim Bano Vs. Seema & Another* however after framing of charge it is being noted as *State Vs. Seema & Another*. Further learned counsel for the petitioner has drawn *CRL.M.C. 4399/2016*

my attention to the report of the doctor concerned on a query raised by the investigating officer as to the cause of miscarriage which was replied as under:-

“The first trimester abortions are mostly unavoidable and are due to germ plasm defects. Patient, as per the record available, has history of hyperthyroidism and is on tab carbimazole and also has hypertension. This can be the reason for her abortion.”

6. In view of the opinion given by the doctor, also the fact that the dispute between the petitioners and respondent No.2 is personal in nature and does not affect the society at large and the parties have settled the matter, no useful purpose will be served in continuing with the above noted complaint case and the proceedings pursuant thereto. As held by the Supreme Court in the decision reported as (2014) 6 SCC 466 Narinder Singh & Ors. Vs. State of Punjab & Anr , there is no legal impediment in quashing the above noted complaint case.

Consequently, the complaint case now Sessions Case No. 28010/2016 (old No.17/2011) titled *State Vs. Seema & Anr.* and proceedings pursuant thereto are hereby quashed.

Both the petitioners and respondent No.2 duly identified by their respective counsels have signed the order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

APRIL 17, 2017
‘v mittal’