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

+ **CRL.M.C. 4414/2016**

UPASANA SINGH & ANR

..... Petitioners

Represented by: Mr. Kamal Nijhawan and Mr
Sumit Gaur, Advocates with
petitioners in person.

versus

STATE OF GUJRAT & ORS

..... Respondents

Represented by: Mr. Krishna Kumar, Advocate
for Ms. Hemantika Wahi,
Advocate for State of
Gujarat/respondent No.1.
Mr. Hirein Sharma, APP for
the State/respondent No.3.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

09.02.2017

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1. The petitioner No.1 Upasana Singh was married to son of Respondent No.2 on 6th November, 2013 at Ghaziabad, Uttar Pradesh. Since differences arose between the parties several cases were instituted and the present petition relates to quashing of case No. 1424/2007 titled as '*State vs. Upasana Singh*' instituted by respondent No.2, father of ex-husband of the petitioner No.1 before the Chief Metropolitan Magistrate, Ahmedabad in FIR No. 3279/2006 under Sections 507/114 IPC. When the disputes were pending between the parties and complaints were filed by both the sides on a petition filed by Ajay Shamsher Bahadur, ex-husband of the petitioner No.1 all matters pending between the parties were transferred to Delhi vide order **CRL.M.C. 4414/2016**

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of the Supreme Court dated 15th February, 2008. Hence case No.1424/2007 titled as '*State vs. Upasana Singh*' instituted before the Chief Metropolitan Magistrate Court-19, Gheekanta, Ahmedabad was also transferred to Delhi and is now pending before Shri Babru Bhan, learned Metropolitan Magistrate, Central District, Tis Hazari Courts. The parties entered into a settlement vide the Deed of Settlement dated 4th November, 2009, copy whereof is at pages 33 to 40 of the present paper-book. In terms of the settlement all pending complaints inter-se parties were to be withdrawn and the marriage between Upasana Singh and Ajay Shamsheer Bahadur Singh has already been dissolved. All other pending disputes have also been settled.

2. In CrI. M.C. No. 2943/2010 filed by Ajay Shamsheer Bahadur Singh and others FIR No. 506/2005 lodged by Upasana Singh against the respondent No.2, his son and other family members under Sections, 498A/323/504/506/313/420/306/34 IPC read with Section 3 and 4 of the Dowry Prohibition Act registered at PS Kavi Nagar, Ghaziabad and the proceedings pursuant thereto have also been quashed on 10th September, 2010.

3. Learned counsel for the petitioners states that inadvertently, at the time of quashing of FIR No.506/2005 lodged at PS Kavi Nagar, Ghaziabad, Uttar Pradesh and the proceedings pursuant thereto simultaneous petition for quashing of the above noted complaint, that is case No. 1424/2007 titled as '*State vs. Upasana Singh*' instituted before the Chief Metropolitan Magistrate Court No.19, Gheekanta, Ahmedabad now transferred to the court of Shri Babru Bhan, learned Metropolitan Magistrate, Central District, Delhi could not be filed. Hence the present petition.

4. Notice in the present petition was issued to respondent No.2 who is the father of ex-husband of the petitioner No.1, which was duly served. A reply has been sent by the respondent No.2 through fax and email to the Registrar General of this Court wherein he has stated that since he is senior citizen and has been on bed rest for minimum two months, he is not in a position to appear before this Court and the petition be decided ex-parte in his absence. A copy of the affidavit duly notarised has also been sent wherein the respondent No.2 has stated that all disputes between him and the petitioners have been resolved and no dispute and differences remain between them. He has ratified the deed of settlement dated 4th November, 2009 executed by the petitioners and respondent No.2. He states that as per the compromise all cases have to be withdrawn.

5. In view of this response received by the respondent No.2 and the fact that pursuant to a holistic settlement between the parties marriage between Upasana Singh and Ajay Shamsheer Bahadur Singh, son of respondent No.2 has already been dissolved, this Court deems it fit to quash the case No.1424/2007 titled as '*State vs. Upasana Singh*' instituted before the Chief Metropolitan Magistrate Court No.19, Gheekanta, Ahmedabad in FIR No. 3279/2016 which has been transferred to the Court of learned Metropolitan Magistrate, Central District, Delhi and the proceedings pursuant thereto.

6. Ordered accordingly.

7. The petitioner Nos. 1 and her mother, petitioner No.2 who are present in Court and duly identified by the learned counsel have signed this order sheet in acknowledgment of the facts noted above based on the settlement arrived at between the parties.

8. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

FEBRUARY 09, 2017/‘vn’

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