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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 3482/2017 & CrI. M.A. No.20554/2017

HARPREET SINGH BINDRA & ORS.

..... Petitioners

Through: Mr. Vineet Lakhani, Advocate.

Versus

THE STATE GOVT OF NCT OF DELHI & ANR. Respondents

Through: Mr. R. S. Kundu, Additional Standing
Counsel (CrI.) for State with
ASI Subhash Chand, P.S. Geeta
Colony.
Mr. Sunil Dalal, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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13.12.2017

This petition seeks quashing of the FIR No. 0267/2017 registered at Police Station Geeta Colony, Delhi, for the offences punishable under sections 498-A/406/34 IPC in terms of the Memorandum of Understanding (MOU) dated 01.11.2017. The parties have been living together.

Since, the Court would note that in terms of para 10 of the aforesaid MOU, the parents of the petitioner No.1 (the husband of Ms. Baljeet) that petitioners No. 2 and 3 had been burdened with providing an alternate accommodation to the respondent No.2/complainant in case the property No. 844, 2nd Floor, Niti Khand,

Indrapuram, Ghaziabad, Uttar Pradesh, is sold by them; but MOU is not signed by the said parents, who are the owners of the property.

In the circumstances, the learned counsel for the petitioners submits that the parents of the petitioner would file an affidavit incorporating the security to the complainant that petitioner nos. 2 and 3 shall provide prior alternate accommodation in case the said property is proposed to be sold by them.

After a pass over, their affidavits/undertakings have been filed. They are accepted. The respondent Ms. Baljeet Kaur is present in the Court. She is not represented by any counsel. Mr. Sunil Dalal, Advocate, present in the Court, is appointed her counsel for the day. Mr. Dalal states upon instructions that respondent Ms. Baljeet Kaur has indeed compromised the *lis* with the petitioners without any threat or coercion from any quarter, she is now living with her husband at the address known as property No. 844, 2nd Floor, Niti Khand, Indrapuram, Ghaziabad, Uttar Pradesh. The learned counsel further submits that the complainant does not wish to pursue her complaint any further, rather, she looks forward towards a meaningful life in her matrimonial home alongwith her husband and their two minor children. The petitioners are present in the Court. They have been identified by their respective counsel. They too undertake to abide by the terms of the MOU. Their undertaking is accepted.

Since the complainant herself does not wish to pursue with the complaint, the substratum of the FIR is largely eroded and any further proceedings arising therefrom would be an exercise in futility.

In the circumstances, FIR No. 0267/2017 registered at Police Station Geeta Colony, Delhi, for the offences punishable under sections 498-A/406/34 IPC and all proceedings emanating therefrom are hereby quashed.

NAJMI WAZIRI, J.

DECEMBER 13, 2017

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