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

+ **W.P.(CRL) 693/2017**

SHAKIR HUSAIN & ORS.

..... Petitioners

Represented by: Mr. Naseem Ahmed, Advocate
with petitioner Nos. 1, 3 and 4
in person.

versus

THE STATE OF NCT OF DELHI & ANR.

..... Respondents

Represented by: Mr. Ashish Negi, Advocate for
Ms. Richa Kapoor, Additional
Standing Counsel for State with
SI Ashwani, PS Jyoti Nagar.
Respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
20.09.2018

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By the present petition the petitioner seeks quashing of FIR No. 362/2016 under Sections 354/34 IPC registered at PS Jyoti Nagar, Delhi on the complaint of respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned proxy counsel for learned Additional Standing Counsel for the State on instructions from Investigating Officer submits that in the above-noted FIR the four petitioners are the only accused and the respondent No. 2 the complainant/victim.

Respondent No. 2 is present in Court and is identified by the Investigating Officer. She states that she has settled the matter with the petitioners, who are her brothers-in-law, mother –in-law and sister in law.

W.P.(CRL) 693/2017

Page 1 of 3

She states that for the last 2½ years she is residing separately from her husband and looking after her daughter. She further states that no divorce has taken place between her husband Danish and herself and she does not wish to pursue the above noted FIR and the proceedings pursuant thereto. She also states that she has already received a sum of ₹1 lakh and has received a further sum of ₹1 lakh by way of bankers cheque No. 952118 dated 17th September, 2018 drawn on State Bank of India, Gokalpur totalling to ₹2 lakhs towards her maintenance and a sum of ₹50,000/- and ₹20,000/- by way of bankers cheque and cheque bearing Nos.952117 dated 17th September, 2018 drawn on State Bank of India and 531111 dated 25th September, 2018 drawn on Andhra Bnk, Kamalnagar, Delhi for the maintenance of the minor daughter Zoya born from the wedlock of Danish and respondent No. 2. She states that she has received these amounts without prejudice to her rights and contentions.

Petitioner Nos. 1, 3 and 4 are present in Court and are identified by the learned counsel. They affirm the statement of respondent No.2. Petitioner No.2 is stated to be in Saudi Arabia and is thus exempted from appearing before this Court.

In view of the fact that respondent No.2 does not wish to pursue the above noted FIR and the proceedings pursuant thereto, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No. 362/2016 under Sections 354/34 IPC registered at PS Jyoti Nagar, Delhi and proceedings pursuant thereto are hereby quashed.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

SEPTEMBER 20, 2018
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