

\$~9

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 2084/2016 & CRL.M.A. 8831/2016
LALLAN PANDEY & ORS Petitioner
Through Mr. Vasudev Goswami, Adv. with
P1, P2, P4 & P6 in person.

versus

STATE (NCT OF DELHI) & ANR Respondent
Through Mr. Ashish Dutta, APP for State with
SI Mangal Ram PS Rajouri Garden.
Mr. Abhik Kumar, Mr. Rinku Mathur,
Advs. for R2 with R2 in person.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **09.01.2018**

The reply of the respondent no. 2 and the rejoinder thereto of the petitioner are on the record.

Vide the present petition, the petitioner seeks quashing of the FIR No. 159/08, registered at PS Rajouri Garden, under Sections 498A/406/34 of the Indian Penal Code, 1860. The proceedings dated 04.08.2016 indicate that time had been sought on behalf of the respondent no. 2 to file a response which has since been submitted.

In reply to a specific Court query, it has been submitted on behalf of the petitioner that the husband of the respondent no. 2 is the brother of the petitioner no. 1 and son of the petitioner no. 5, and is not living with the respondent no. 2 w.e.f. 03.12.2016. The averments made in the petition are basically on the premise of a settlement arrived at between the complainant

i.e. the respondent no. 2 and **her husband Mr. Binod Kumar Pandey, who is not arrayed on record as the petitioner to the present petition.**

Since the said settlement is apparently not in existence presently as brought forth through the reply filed on behalf of the respondent no. 2 and also brought forth through the submissions made on behalf of the petitioner and the respondent no. 2, coupled with the factum that it has been submitted on behalf of either side that the charges are yet to be framed in the proceedings before the learned Trial Court in relation to the FIR No. 159/08, registered at PS Rajouri Garden qua alleged commission of offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860, the prayer made by the petitioners seeking that the proceedings under Sections 498A/406/34 of the Indian Penal Code, 1860 be not continued against them, in relation thereto apparently a redressal can be sought by the petitioners by making their prayer at the time of consideration of charge before the learned Trial Court.

The present petition calls for no further action in view of the factum that there is no settlement between the respondent no. 2 and her spouse, which is the basic premise of the petition. The petitioners may seek redressal in accordance with law qua the aspect of the framing of the charge before the learned Trial Court.

The petition is disposed of accordingly.

ANU MALHOTRA, J

JANUARY 09, 2018/MK