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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on:- 20th August, 2018

+ CRL. M.C. 2632/2016

DEEPAK SAHU

..... Petitioner

Through: Mr. Manu Mridul, Mr. Shalaj
Mridul & Ms. Neha Rai, Advs.

versus

STATE & ANR.

..... Respondents

Through: Mr. Ashish Dutta, APP for the
State with ASI Sunder Prakash
CAW Cell East District.
Respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. This petition under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) was filed seeking quashing of the proceedings arising out of first information report (FIR) no. 221/2012 under Section 498A of Indian Penal Code, 1860 (IPC) of police station Mayur Vihar on the basis of settlement reached with the second respondent (the complainant). Though the petition was filed, supported, *inter alia*, by an affidavit of the second respondent, upon being noticed the said party initially having appeared and sought time to respond, made submissions in person on 10.7.2017 to the effect that as a result of the settlement earlier reached, they had indeed started residing together but the differences had again erupted. Against this

backdrop, they were referred to Delhi High Court Mediation and Conciliation Centre on 10.07.2017. The said effort did not bear fruit and the matter returned with report that there was “*non settlement*”. The second respondent thereafter filed a reply dated 24.04.2018, *inter alia*, submitting that she had never agreed for the FIR to be quashed, she referring at length to her grievances against the petitioner.

2. It is quite apparent that in view of the position taken by the second respondent, the criminal case arising out of the aforementioned FIR cannot be quashed. Faced with this, the counsel for the petitioner wanted to press this petition to question the merits of the case. This cannot be permitted in these proceedings.

3. The Learned Additional Public Prosecutor has informed the Court that charge-sheet has been submitted in the court of Metropolitan Magistrate where the case is pending at the stage of charge. The petitioner has the liberty to raise all the contentions concerning the merits of the case before the trial court.

4. With these observations, the petition is dismissed.

न्यायमेव जयते

R.K.GAUBA, J.

AUGUST 20, 2018

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