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

+ W.P.(CRL) 2714/2018

AJIT SINGH KUSHWAHA & ORS.

..... Petitioners

Represented by: Mr. Jitender Gupta and Mr.
Deepak Rohilla, Advocates
with petitioner No.1 in person.

versus

THE STATE (NCT OF DELHI) & ANR.

..... Respondents

Represented by: Ms. Jyoti Babbar, Advocate for
Mr. Rajesh Mahajan,
Additional Standing Counsel
for State with SI Vikas Kumar,
PS Dwarka South.
Respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

12.09.2018

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Crl. M.A. No. 31800/2018 (Exemption)

Allowed, subject to all just exceptions.

Crl. M.A. No. 31801/2018 (exemption from appearance)

By this application, petitioner Nos. 2, 3 and 4 seek exemption from appearance before this Court. As per the application, petitioner Nos. 2 and 3 are the aged parents of petitioner No.1, who are residing at Jabalpur, Madhya Pradesh and petitioner No.3 is suffering from cancer for which reason the presence of petitioner No.4 is also required with them at Jabalpur.

For the reasons stated in the application, petitioner Nos. 2 to 4 are exempted from appearing before this Court.

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Application is disposed of.

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By the present petition the petitioners seek quashing of FIR No. 286/2017 under Sections 498A/406/34 IPC registered at PS Dwarka South, 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 the Investigating Officer submits that in the above noted FIR the four petitioners are the only accused and the respondent No.2 is the only complainant/ victim.

Respondent No. 2 who is present in Court and is identified by the Investigating Officer states that she has settled the matter with the Petitioners vide Memorandum of Understanding dated 18th July, 2018, copy whereof is annexed as Annexure-B to the present petition. In terms of the settlement petitioner No. 1 and respondent No.2 are living together since February, 2018 at Dwarka and she has now no cause of grievance against the petitioners. She further states that in terms of the settlement she does not want to pursue the abovementioned FIR and the proceedings pursuant thereto.

Petitioner No.1 is present in Court and is identified by the learned counsel. Petitioner Nos. 2 to 4 as noted above are exempted from appearing before this Court. Petitioner No.1 on his behalf and on behalf of petitioner Nos. 2 to 4 affirms the statement of respondent No.2 and assures that no cause of grievance will be given to respondent No.2 in future and undertakes to abide by the terms of settlement arrived at between the parties.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, rather the same would create further acrimony between them, 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. 286/2017 under Sections 498A/406/34 IPC registered at PS Dwarka South, Delhi and proceedings pursuant thereto are hereby quashed qua all the petitioners.

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 12, 2018

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