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

+ CRL.M.C. 5848/2018 & CrI.M.A. Nos.47669-670/2018

RAJU SAINI @ NIZAM

..... Petitioner

Through: Mr.Rajesh Kumar, Adv. for the
petitioner with parokar in person.

versus

STATE (GOVT OF NCT OF DELHI) & ORS Respondents

Through: Mr.Amit Chadha, APP for the State
with SI Pankaj Kumar, PS Karawal
Nagar.

Mr.Rupesh Sharma & Mr.Ravinder
Kumar, Advs. with R-2 & 3 in
person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **20.11.2018**

1. Vide the present petition under Section 482 Cr.P.C., the petitioner seeks quashing of FIR No.179/2017 under Sections 363 of the IPC registered at Police Station Karawal Nagar, Delhi and all proceedings emanating therefrom, on the basis of a settlement arrived at between the parties on 20.09.2018.

2. Learned counsel for the petitioner submits that the petitioner is closely related to the respondent nos.2 and 3 and is married to the elder sister of respondent no.2. He submits that the respondent no.2, who was of 16 years had on her own, left her house on 08.05.2017. The respondent no.3 who is the mother of respondent no. 2 had

therefore, lodged a missing complaint without naming any specific person in the said complaint.

3. Learned counsel for the petitioner submits the respondent no.2 was recovered after about 2 months, whereafter the investigation continued and the petitioner was thereafter arrayed as an accused in the charge-sheet filed by the police. He submits that subsequently, the parties being close relatives, have with the intervention of the elders of the family, now resolved their disputes and entered into the aforesaid settlement on 20.09.2018. He submits that the petitioner has been arrayed as an accused under a misunderstanding and further submits that the petitioner is the brother-in-law of respondent no.2 and he had no role in her alleged kidnapping. He submits that even otherwise, the facts clearly show that the respondent no.2 had left her house out of her own free will. He, therefore, prays that the captioned FIR and consequential proceedings be quashed.

3. The petitioner is stated to be in custody and is represented through his Parokar, who is his wife Ms.Meena, and is the elder sister of respondent no.2 and daughter of respondent no.3. The respondent no.2 and 3 are represented by a counsel. I have interacted with the respondent nos.2 and 3 in Chambers, who categorically state that the petitioner had no role in respondent no.2 leaving the house on 08.05.2017. They further state that they have entered into an agreement with the petitioner out of their own free will and they do not wish to continue the aforesaid criminal proceedings as it will cause acrimony in their family relations. They, therefore, pray that the captioned FIR and consequential proceedings be quashed.

4. I have considered the submissions of the learned counsel for the parties and perused the record. Keeping in view the fact that the parties are closely related to each other and have resolved their disputes as also the fact that respondent no.2 categorically states that she was never kidnapped by anyone and had left her house on her own, continuation of criminal proceedings will be an exercise in futility. The ends of justice demand that the FIR and consequential proceedings be quashed.

5. For the aforesaid reasons, the petition is allowed and the captioned FIR and all consequential proceedings are quashed.

6. The petition is disposed of in the above terms along with the pending applications.

REKHA PALLI, J

NOVEMBER 20, 2018

gm

