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

+ **CRL.M.C. 5392/2018**

SANJAY KUMAR YADAV & ORS.

..... Petitioners

Through: Ms.Lakshara Oberoi & Mr.Brijesh Oberoi, Advs. with petitioner nos.1, 4 & 9 in person.

versus

STATE & ANR.

..... Respondents

Through: Mr.Amit Chadha, APP for the State with SI Omkar Singh, PS Sagar Pur.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **23.10.2018**

CRL.M.A. No.34746/2018 (for exemption from filing certified copies)

Allowed subject to all just exceptions.

CrI.M.A. Nos.34747-48/2018 (for exemption from personal appearance of petitioner nos.2 and 3)

1. The present applications seeking exemption from personal appearance have been filed by the parents of the petitioner no.1, who have been arrayed as petitioner nos.2 and 3 respectively.

2. Learned counsel for the petitioners submits that both the aforesaid petitioners are resident of Village Jaunpur in Uttar Pradesh. She submits that the petitioner nos.2 and 3 are the parents of petitioner no.1 and are suffering from old age problems and could not

therefore, travel to Delhi at this stage. She, therefore, seeks exemption from personal appearance of petitioner nos.2 and 3 .

3. Issue notice. Mr.Chadha, learned APP does not oppose the said application.

4. Accordingly, the application is allowed and petitioner nos.2 and 3 are exempted from personal appearance.

Crl.M.A. No.34749/2018 (for exemption from personal appearance of petitioner no.5)

1. The present application seeking exemption from personal appearance has been filed by the petitioner no.5/wife of petitioner no.4, on the ground that she is in the family way and has therefore, been advised medical rest and is not able to appear before the Court.

2. Issue notice. Mr.Chadha, learned APP does not oppose the said application.

3. Accordingly, the application is allowed and petitioner no.5 is exempted from personal appearance.

Crl.M.A. No.34750/2018 (for exemption from personal appearance of petitioner no.6)

1. The present application seeking exemption from personal appearance has been filed by the petitioner no.6 who is the married sister of the petitioner no.1 and is stated to be suffering from viral fever. A medical certificate issued by Satya Prem Hospital and Research Centre, Jaunpur has been filed along with the present application seeking exemption.

2. Issue notice. Mr.Chadha, learned APP does not oppose the said application.

3. Accordingly, the application is allowed and petitioner no.6 is exempted from personal appearance.

CrI.M.A. No.34751/2018 (for exemption from personal appearance of petitioner no.7)

1. The present application seeking exemption from personal appearance has been filed by the petitioner no.7 who is the younger sister of the petitioner no.1 on the ground that she is in the family way and has therefore been advised medical rest and is not able to appear before the Court.

2. Issue notice. Mr.Chadha, learned APP does not oppose the said application.

3. Accordingly, the application is allowed and petitioner no.7 is exempted from personal appearance.

CrI.M.A. No.34752/2018 (for exemption from personal appearance of petitioner no.8)

1. The present application seeking exemption from personal appearance has been filed by the petitioner no.8, sister of the petitioner no.1 who is stated to be a student of B.A. and it is stated that she is unable to appear due to the ongoing exams.

2. Issue notice. Mr.Chadha, learned APP does not oppose the said application.

3. Accordingly, the application is allowed and petitioner no.8 is exempted from personal appearance.

CRL.M.C. 5392/2018

1. By the present petition, the petitioners seeks quashing of FIR

No.878/2015 under Sections 498A/406/34 IPC registered at PS Sagarpur, New Delhi and consequential proceedings emanating from the said FIR.

2. Learned counsel for the petitioners submits that the marriage of petitioner no.1 and respondent no.2 was solemnised on 18.05.2005 in Phulpur, District Azamgarh, U.P. as per Hindu rites and ceremonies and the parties are blessed with two female children. She submits that however due to some minor disputes with her husband/petitioner no.1, the respondent no.2 lodged a complaint against the petitioners leading to registration of the aforesaid FIR. She submits that now the parties have entered into a settlement agreement on 13.03.2018 with the assistance of the Counselling Cell, Family Courts, Patiala House, Delhi and have resolved their differences whereafter they have been living together peacefully as a family w.e.f. 13.03.2018.

3. The petitioner Nos.1, 4 and 9 as also respondent no.2 are present in Court and have been identified by the Investigating Officer. I have interacted with the respondent no.2 who submits that she is now happily living with the petitioner no.1 and for the welfare of her family including two minor daughters, she does not wish to continue with the criminal proceedings. She therefore, prays that the FIR and the consequential proceedings emanating therefrom be quashed.

5. I have considered the submissions of the parties and perused the record keeping in view the settlement arrived at between the parties as also the fact that petitioner no.1 and respondent no.2 have been married for over 13 years and are now living happily, in my view, no useful purpose will be served by prolonging the criminal proceedings

against the petitioners especially since the FIR was based on a matrimonial dispute.

6. For the aforesaid reasons, the petition is allowed. As a result, the FIR No.878/2015 under Sections 498A/406/34 IPC registered at PS Sagarpur, New Delhi and all consequential proceedings emanating therefrom are quashed.

7. The petition is disposed of in the above terms.

REKHA PALLI, J

OCTOBER 23, 2018

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