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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL. M.C. 5228/2015, Crl. M.A. 5606/2018
ATUL KUMAR KUTHIALA & ORS. Petitioner
Through Mr. H.M. Mukherjeet, Adv.
versus

STATE NCT OF DELHI & ANR Respondent
Through Mr. Panna Lal Sharma, APP for State
None for R2.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **23.03.2018**

Crl. M.A. 5606/2018

The matter is indicated to be listed on 06.08.2018 and is taken up today on Crl. M.A. 5606/2018 filed on behalf of the petitioner seeking an early hearing.

The present petition was filed by the petitioner seeking quashing of the FIR No. 176/2011, PS Pandav Nagar, under Sections 498A/406/34 of the Indian Penal Code, 1860. Learned counsel for the petitioner submits that the said petition however was withdrawn on 22.12.2015 and vide directions dated 22.12.2015 it was made clear that the passing of the present order shall not come in the way of moving the petition, if need arose i.e. the petition Crl. M.C. 5228/2015 with accompanying applications Crl. M.A. Nos. 18840-18843/2015 would not come in the way of moving the petition, if need arose.

CRL. M.C. 5228/2015

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Vide proceedings dated 02.02.2016, notice of Crl. M.A. No. 1873/2016 filed on behalf of the petitioner seeking stay of the proceedings of the learned Trial Court, notice thereof was issued to the respondents, who were served in relation thereto which application is indicated to have been submitted on the basis of the proceedings u/s 13B(1) of the HMA, 1955 between the petitioner and the respondent no. 2 in view of the settlement arrived at between them.

Learned counsel for the petitioner further submits that despite issuance of the notice of the said application, there was no revival of the petition itself sought and that now the petitioner has already filed Crl. M.A. 5442/2018 on the basis of a settlement arrived at between the parties whereby the marriage between the petitioner and the respondent no.2 herein as petitioner and the respondent no. 2 in Crl. M.A. 5442/2018 has already been dissolved vide a decree of divorce through mutual consent and it has thus been submitted that the proceedings in Crl. M.C. 5228/2015 do not survive anymore and the learned counsel for the petitioner thus vide the application Crl. M.A. No. 164/2018 seeks to withdraw the application Crl. M.A. No. 1873/2016 which prayer is allowed and Crl. M.A. No. 1873/2016 is thus dismissed as withdrawn.

ANU MALHOTRA, J

MARCH 23, 2018/MK

CRL. M.C. 5228/2015

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