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

Date of decision: 06.12.2019

+ CRL.M.C. 4862/2019 & CRL.M.A. 36811/2019
CRL.M.A. 36813/2019

SATHIYAPRIYA & ANR. Petitioners
Through Adv. (appearance not given)

versus

STATE & ANR. Respondents
Through Mr.Panna Lal Sharma, APP for State.
SI Vijay Pal, North Avenue
Respondent nos.2&3 in person

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

1. Vide the present petition, the petitioners seeks quashing of FIR 09/2018 dated 26.03.2018 and Final Report No. SC. 260/2019 dated 13.2.2019 u/s 12 of the POCSO Act and the proceedings arising out of the said FIR pending in the Court of Ld. ASJ (POCSO Act), Patiala House Court, New Delhi against the Petitioners and consequent proceedings arising therefrom.

2. Notice issued.
3. Notice is accepted by learned APP for the State and with the consent of the counsel for the parties, the present petition is taken up for final disposal.
4. Learned counsel for the petitioner submits that inadvertently the husband of the petitioner no.1/complainant has not been made party to the present petition and let the husband be made party in the present petition. His oral request is accepted.
5. Dr. B. Ramaswamy, r/o Flat No. 118C, Pocket-F, Mayur Vihar Phase-2, Kalyanvas, East Delhi-110091 is present, he is made as respondent no.3.
6. Petitioner no.1 is the wife of respondent no.3 and step mother of respondent no.2. Due to some misunderstanding, respondent no.2 complained to her father i.e. respondent no.3 who made a written complaint to the SHO, North Avenue and thereafter the present FIR has been registered against the petitioners.
7. The present petition is filed on the ground that the matter has been settled between the parties and respondent nos.2&3 do not want to pursue the case against the petitioners.

8. On the last date of hearing, respondent no.2 was not personally present, therefore, the father of respondent no.2 sought adjournment to produce respondent no.2. This Court interacted with respondent no.2 in the chamber and she states that she is a student of 9th standard, studying Convent of Jesus & Mary, New Delhi and she states that she wants to concentrate on her studies and close the issue as she does not want to pursue the case further.

9. She further states that if the petition is not quashed, the pendency of the case shall keep disturbing her state of mind and she will not be able to concentrate on her studies. Moreover, the relations between the petitioners and her father (respondent no.3) will not be cordial,

10. Respondent no.3/complainant is personally present. Petitioner no.1 is the second wife and petitioner no.2. is the brother in law.

11. Keeping in view the interest of child and for maintaining cordial atmosphere at home and that the petitioners have introspected and have assured that such an incident will not happen in future. Respondent no.3 submits that first motion of divorce has been placed and pending for second motion by mutual consent and if the present FIR is not quashed, then there will be difficulty in getting the divorce from petitioner no.1.

12. Keeping in view the settlement arrived between the parties and the facts mentioned above, I hereby quash the FIR and all other proceedings emanating thereto.

13. The petition is allowed accordingly .

14. Order dasti.

DECEMBER 06, 2019
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(SURESH KUMAR KAIT)
JUDGE

न्यायमेव जयते