

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

Date of Order: February 27, 2019

+ CRL.M.C. 1149/2019

SURESH

..... Petitioner

Through: Mr. Anil Garg, Advocate

Versus

STATE (GOVT OF NCT OF DELHI) & ORS. Respondents

Through: Mr. M.S.Oberoi, Additional Public
Prosecutor for respondent No.1-
State with ASI Rajesh Kumar
Respondents No.2 & 3 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 288/2005, under Section 363 IPC, registered at police station Ashok Vihar, Delhi is sought on the basis of Affidavits of respondents No. 2 & 3.

Upon notice, learned Additional Public Prosecutor for respondent No.1-State submits that respondents No.2 & 3, are present in the Court and they have been identified to be so, by ASI Rajesh Kumar on the basis of identity proof produced by them.

Respondent No.2, present in the Court, supports the stand taken by her in statement under Section 164 Cr.P.C. and respondent No.3 submits that the misunderstanding, which led to registration of FIR in question,

now stands cleared. Respondents No.2 & 3 submit that respondent No.2 had married petitioner in June, 2005 i.e. soon after this incident and out of this marriage, three children were born and that petitioner-*husband* and respondent No.2-*wife* are happily living together and so, to maintain cordiality amongst the parties, the proceedings arising out of the FIR in question be brought to an end.

Upon hearing and on perusal of statement of second respondent recorded under Section 164 Cr.P.C., I find that continuance of proceedings arising out of FIR in question would be an exercise in futility.

Accordingly, FIR No. 288/2005, under Section 363 IPC, registered at police station Ashok Vihar, Delhi and the proceedings emanating therefrom are hereby quashed.

This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

FEBRUARY 27, 2019

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