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

+ CRL.M.C. 2336/2019 & CrI.M.A. 9295/2019

SARAH DAS & ANR.

..... Petitioners

Through: Mr. Rahul Mumar, Mr. R. Aditya
& Mr. Maneesh Kumar, Advocates

Versus

STATE (GOVT. OF NCT OF DELHI & ANR. Respondents

Through: Mr. Izhar Ahmed, Additional
Public Prosecutor for respondent-
State

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
15.05.2019

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Quashing of FIR No. 49/2018, under Sections 419/420/465/120B IPC, registered at police station Madhu Vihar, Delhi is sought on the basis of Memorandum of Understanding of 23rd January, 2017 (*Annexure- P/10*) .

Petitioner's counsel asserts that on the basis of the aforesaid Memorandum of Understanding of 23rd January, 2017 (*Annexure – P/10*) only, Case Crime No. 605/2014, under Sections 376/ 511/354/ 504/ 506 IPC, registered at police station Indrapuram, District Ghaziabad, U.P. was got quashed from the Supreme Court vide order of 27th January, 2017 and thereafter, respondent No.2 has got this instant FIR registered with *mala fide* intentions.

Upon notice, Mr. Izhar Ahmed, Additional Public Prosecutor for respondent-State, submits that the investigation in this FIR case is in progress and the forgery angle is being looked into.

At this stage, it is pointed out by learned counsel for petitioners that second respondent is in contempt of Supreme Court's order of 27th January, 2017 and a petition for contempt against respondent No.2 is pending before the Supreme Court.

Be that as it may. Upon hearing and on perusal of FIR in question and material on record, it is deemed appropriate to not to quash the FIR in question on the basis of Memorandum of Understanding of 23rd January, 2017 (*Annexure- P/10*), as the investigation in this FIR case is still pending. However, it is made clear that no coercive steps be taken against petitioners provided they join and cooperate with the investigation of this FIR case. In the event of petitioners being required for investigation, two weeks' notice be given to them to join investigation.

It is made clear that if petitioners fail to join the investigation, interim protection granted to them will lapse.

With aforesaid directions, this petition and application are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

MAY 15, 2019

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