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

Date of decision: 12.12.2019

+ CRL.M.C. 2411/2017

ANURAG GUPTA & ORS

..... Petitioners

Through Mr.Aditya Sharda, Adv. with
petitioner in person.

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Through Mr. Izhar Ahmed, APP for State.
Insp.J.K. Singh, Addl.SHO/Gulabi
Bagh.
ASI Brijeshwar Dayal CAW Cell/
East Distt.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

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

Crl.M.A. 49767/2018

1. It is stated in the present application that counsel for the petitioners could not appear before this court due to sudden demise of his close relative (Sister-in-law) in the morning of 14.11.2018 and being under shock and becoming busy in connection with last rites of the departed soul, counsel could not even manage to inform any of his colleagues or even the petitioners about the case.

2. On the previous date i.e. 25.07.2018 the petitioner no.1 was not in India and after coming back, the counsel of the petitioners could not communicate about the next date i.e. 14.11.2018 as he was unaware about the said date and therefore, even he could not appear before this Court, thus, the petition was dismissed in default.

3. Counsel appearing on behalf of the applicant/petitioner submits that non-appearance of the petitioners on 14.11.2018 was neither intentional nor wilful but only due to the reasons mentioned above.

4. In addition to above, the main petition was filed for quashing of FIR and emanating proceedings thereto on the settlement arrived at between the parties vide Settlement Agreement dated 01.10.2016. The mother of the complainant, who is attorney, filed an affidavit whereby stated that she has no objection if the FIR and emanating proceedings thereto are quashed against the petitioners.

5. In view of above, I hereby recall the order dated 14.11.2018 and consequently, the petition is restored to its original number.

6. The application is allowed and disposed of.

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7. Vide the present petition, the petitioners seek quashing of FIR No.336/2012 dated 13.09.2012 registered at Police Station Krishna Nagar

and consequent proceedings arising therefrom.

8. Notice issued.

9. 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.

10. The petitioner no.1 and respondent no.2 got married on 05.11.2019 as per Hindu rites and rituals at Taj-E-Mayur, Kawatra Tents, Lawn B opposite Shivaji College, Raja Garden, New Delhi. One child was born out of the wedlock namely Mysha, (aged about 4 ½ years) and she is under the custody of respondent no.2. Due to irreconcilable temperamental and different outlooks towards their life and life styles and cruelties meted out towards the petitioner and his family members by the respondent no. 2 disputes arose between petitioner no. 1 and respondent no. 2 which resulted into proceedings/ litigation between parties.

11. The present petition has been filed on the ground that the issue between the petitioners and respondent no.2 have been amicably settled. Since respondent no.2 is settled in Canada, therefore, her mother is an attorney who has filed an affidavit along with this petition whereby, Seema Gupta, w/o Shri Anil Kumar Gupta, r/o D-1/14, 2nd Floor, Krishna Nagar, Delhi-51, states that respondent no.2 has already settled her all disputes with

the petitioners before Delhi High Court Mediation and Conciliation Centre (SAMADHAN) vide settlement dated 01.10.2016. There is no dues left against the petitioners and respondent no.2 has no objection if the FIR No.336/2012 registered at Police Station Krishna Nagar for the offences punishable under sections 498-A/406/34 IPC and emanating proceedings thereto from the said petition are quashed.

12. Since the matter has been settled long back and respondent no.2 is settled in Canada and an affidavit filed by her mother Seema Gupta, this Court is inclined to quash the FIR as no useful purpose would be served in prosecuting the petitioners any further.

13. For the reasons afore-recorded, the FIR No.336/2012 dated 13.09.2012 registered at Police Station Krishna Nagar and consequent proceedings therefrom are quashed.

14. The petition is allowed and disposed of accordingly.

15. Order *Dasti*.

(SURESH KUMAR KAIT)
JUDGE

DECEMBER 12, 2019
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