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

+ CRL.M.C. 4252/2019

OM PRAKASH & ORS.

..... Petitioners

Through: Mr. Hardik Prakash, Adv.

versus

STATE & ORS.

..... Respondents

Through: Mr. Sanjeev Sabharwal, APP for
State.
R-3 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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10.01.2020

The respondent no.2 is not present. Qua the respondent no.2 it has been stated by Mr. Sukhbir Singh, father-in-law of the respondent no.2 and the spouse of the respondent no.3 that the respondent no.2 is unable to put in appearance presently for some time having suffered a miscarriage.

Vide the present petition, the petitioners seek quashing of the FIR No.140/2017, PS Badarpur registered under Sections 354/354B/509/506/323/341/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties vide a memorandum of settlement dated 25.05.2019 and that for their peaceful lives, the continuity of the trial would be an exercise in futility.

As per the status report submitted by the State, the charge sheet

has been filed after completion of investigation and charges have been framed in the matter.

Vide proceedings dated 22.10.2019, the legible copies of the statement under Section 164 of the Cr.PC, 1973 of the respondent nos.2 & 3 were directed to be placed on record by the State, which have now been submitted and perused.

Without any observations on the merits or demerits of the trial in progress before the learned trial Court, on a perusal of the statements under Section 164 of the Cr.PC, 1973 of the respondent nos.2 & 3 dated 11.04.2017 with categorical assertions in the statement of the respondent no.2 in relation to the molestation meted out to her and to the extent of further threats having meted out to the respondent no.2 that she would be assaulted and declothed, there is no ground whatsoever to grant the prayer made by the petitioner seeking quashing of the FIR in question in as much as the allegations made through the statement under Section 164 of the Cr.PC, 1973 of the respondent no.2 bring forth prima facie allegations of gross mental depravity of the petitioner.

The petition is declined.

ANU MALHOTRA, J

JANUARY 10, 2020

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