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

+ **CRL.M.C. 5490/2024**

DEEPAK & ORS.

.....Petitioners

Through: Mr. R. K. Sharma with Mr. Abhishek Sharma, Mr. Rajinder Singh and Mr. Sujoy Gaur, Advocates with petitioners in-person.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Utkarsh, APP for the State with Ms. Garima Khetal, Mr. Abhinav Sharma, Mr. Vijay Kumar and Mr. Nikhil Tyagi, Advocates.
Mr. Vipul Kr. Upadhyay, Advocate for R2 with R2 in-person.
Insp. Pradeep Kumar, P.S.: Shahbad Diary.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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22.07.2024

CRL.M.A. 20983/2024

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CRL.M.C. 5490/2024

By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973, the petitioners, who are the former husband and in-laws of complainant/respondent No. 2, seek quashing



of case FIR No. 610/2021 dated 22.10.2021 registered under sections 323/354/354(A)/506/509/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Shahbad Dairy, New Delhi ('subject FIR').

2. The petition is also supported by affidavits of the petitioners, as well as of respondent No. 2, alongwith proofs of their I.D.s.
3. Petitioner No.1/husband is present in court. Petitioners Nos. 2 and 3, who are stated to be the members of the extended family, are not available in court for reasons that have been explained to the court. Accordingly, the contesting parties are present in court. Their credentials have been verified and they have also been identified by their respective counsel.
4. Though there is no written settlement between the petitioners and respondent No.2 in the present case, the court has interacted with respondent No.2; and she categorically states that in order to close all pending disputes and proceedings which had arisen in the context of her matrimonial disputes with petitioner No.1, she does not wish to pursue any further proceedings against members of the extended family in the subject FIR any longer.
5. Respondent No.2 submits, that keeping any proceedings in the subject FIR pending would only embroil her in further litigation and cause her mental and other harassment, which she wants to avoid completely. She states that she wishes to lead her life peacefully going forward.
6. Mr. Utkarsh, learned APP confirms that the State has no objection to the subject FIR being quashed.



7. In the circumstances, in line with the law laid down by the Supreme Court in ***Gian Singh vs. State of Punjab & Anr.*** reported as (2012) 10 SCC 303 as also in ***Narinder Singh & Ors. vs. State of Punjab & Anr.*** reported as (2014) 6 SCC 466, this court sees no reason why the subject FIR and all proceedings emanating therefrom should not be quashed. This court is of the view that continuing with the subject FIR and all subsequent proceedings would be an exercise in futility and would not be conducive to peace and harmony between the parties.
8. That notwithstanding, and while noting the submissions made by respondent No. 2 as well as the stand taken by the State, upon reading the allegations in the FIR, this court is of the view that though the FIR should be quashed, the petitioners should be burdened with some costs by way of atonement.
9. Accordingly, FIR No. 610/2021 dated 22.10.2021 registered under sections 323/354/354(A)506/509/34 IPC at P.S.: Shahbad Dairy, New Delhi is quashed. All proceedings arising therefrom also stand closed.
10. However, by way of atonement, the quashing shall be subject to *each* of the petitioners paying costs of Rs.15,000/- (Rupees Fifteen Thousand Only) to Friendicoes SECA, No.271 & 273, Defence Colony Flyover Market, Jungpura, New Delhi, within 02 weeks.
11. The petitioners are directed to place on record proof of payment of costs, within 01 week thereafter.
12. The Registry is directed verify compliance of the above and to re-list the matter if costs are not paid as directed.
13. The petition stands disposed-of the above terms.



14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

JULY 22, 2024
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