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

+ **CRL.M.C. 5659/2024**

SHRI RAJESH KHANNA & ORS.

.....Petitioners

Through: Ms Geeta Vadehra Batta with Ms Priyanka
Middha-Power of Attorney Holder on behalf of
Rajesh Khanna.

versus

STATE GOVERNMENT OF NCT OF DELHI & ANR.

.....Respondents

Through: Ms Priyanka Dalal, APP for State
SI Hemant, PS-Mianwali Nagar, Paschim Vihar
Ms Ramandeep Singh, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

25.11.2024

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1. This is a petition seeking quashing of FIR No. 33/2013 dated 12.02.2013 under Sections 406/498-A/34 IPC registered at Police Station-Mianwali Nagar and consequential orders of 10.04.2015, whereby LOC was directed to be opened by DCP West against the petitioner no. 1 and order dated 07.08.2015 passed by the learned MM, Mahila Court-03, West, Tis Hazari Courts, Delhi declared petitioner No.1 as a Proclaimed Offender.

2. Since the petitioner was a resident of Singapore and could not appear either in person or through Advocate on 10.04.2015, LOC was opened against the petitioner by the DCP West on account of not joining investigation. Thereafter on 07.08.2015, the petitioner was declared Proclaimed Offender under Section 82 Cr.P.C by learned MM, Mahila Court-03, West, Tis Hazari Courts, Delhi.



3. The FIR is predicated on the complaint of respondent No. 2 under Sections 498-A/406/34 IPC on allegations of cruelty and thereafter the consequential orders were passed.
4. The petitioner No.1 is present in Court through VC and has been identified by his counsel Ms Geeta Vadehra Batta.
5. The respondent No.2 is also present in Court and has been identified by her counsel Ms Ramandeep Singh as well as by the Investigating Officer SI Satyender Kumar, PS-Tilak Marg.
6. During the pendency of the proceedings, the parties have arrived at a settlement dated 19.06.2024 before the Delhi High Court Mediation and Conciliation Centre, Delhi High Court wherein the parties have resolved their disputes and the respondent No.2 has agreed that she will cooperate in quashing of the FIR. It is settled that in furtherance of the quashing proceedings, the property being Unit No. K 402, Plumeria Garden Estate, Plot No GH01, Sector Omicron, Greater Noida District G B Nagar, Uttar Pradesh Greater Noida will be transferred in favour of respondent No.2 within 15 days of the stay/cancellation of the orders of LOC/proceedings under Section 82 Cr.P.C.
7. The respondent No.2 states that she does not wish to prosecute the FIR any further and wants to put a quietus to the entire matter. She further states that she has entered into the aforesaid settlement out of her own free will, volition and without any threat, force, undue influence or coercion.
8. To my mind, the allegations in the FIR has been settled in the Delhi High Court Mediation and Conciliation Centre, Delhi High Court. The purpose of proceedings under Section 82 Cr.P.C. as well as the LOC proceedings was only to ensure the presence of petitioner No.1 for the



judicial process. Once the FIR is agreed to be quashed, I am of the view that the proceedings under Section 82 Cr.P.C. as well as the LOC order needs to be set aside/quashed as the same were only to ensure presence of the petitioner No.1 to answer the allegations in the FIR.

9. Since the FIR is being quashed, there is no requirement of keeping the LoC or the proceedings under Section 82 of Cr.PC, alive any longer.

10. For the said reasons, binding the petitioner No.1 to his obligations in settlement deed dated 19.06.2024 before the Delhi High Court Mediation and Conciliation Centre, Delhi High Court, the petition is allowed and FIR No. 33/2013 dated 12.02.2013 under Sections 406/498-A/34 IPC registered at Police Station-Mianwali Nagar and consequential orders of 10.04.2015 passed by DCP West against the petitioner no. 1 and order dated 07.08.2015 passed by the learned MM, Mahila Court-03, West, Tis Hazari Courts, Delhi are hereby quashed.

11. In case the needful is not done within a period of 15 days from today, the respondent No.2/complainant will be at liberty to file an application for appropriate directions.

12. The petition is disposed of accordingly.

13. *Dasti.*

JASMEET SINGH, J

NOVEMBER 25, 2024

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Click here to check corrigendum, if any