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

+ **CRL.M.C. 8673/2024**

ARVIND AND ORS.

.....Petitioners

Through: Mr. Aman Anand, Adv. (VC).
Petitioners in person.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Pradeep Gahalot, APP for State
and SI Sneha Rao, PS Mayapuri.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

05.11.2024

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CRL.M.A. 33138/2024

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The Present petition has been filed under section 528 BNSS for quashing of FIR No. 0027/2020 dated 14.01.2020 registered under Section 354/323/341/506/34 IPC at PS Mayapuri and all the other proceedings emanating therefrom.
4. Brief facts of the case are that the FIR in this case was registered based on the statement of Respondent No. 2, alleging that on the date of the incident while she along with her husband and sister in law was waiting near Nangal Rai Gurudwara for a cab, petitioners approached them in a white Swift car and assaulted them. She alleged that during the scuffle, her gold earring and her husband's Samsung M-30s mobile with a Jio



SIM fell. Petitioners thereafter attempted to pull her into the vehicle, but her husband managed to apprehend them.

5. Learned counsel for the petitioner submits that the chargesheet in the present case has been filed, and during the pendency of the proceedings, the parties have settled the matter.
6. Respondent No.2 is present in court and has duly been identified by the IO. Her statement has been recorded separately wherein she has stated that she has settled the matter with petitioners voluntarily without any fear, threat, force, coercion or influence. She has no objection if the FIR No. 0027/2020 dated 14.01.2020 registered under Section 354/323/341/506/34 IPC at PS Mayapuri is quashed. A no objection cum affidavit in this regard has also been placed on record.
7. In view of the above, it appears that the complainant is not going to support the case of the prosecution and the possibility of conviction is remote and bleak. Therefore, this court is of the opinion that the continuation of the criminal proceedings would be an exercise in futility and it is an abuse of the process of the court. There would be no purpose in continuing with the present proceedings, and accordingly, the FIR No. 0027/2020 dated 14.01.2020 registered under Section 354/323/341/506/34 IPC at PS Mayapuri and all the other proceedings emanating therefrom are quashed.
8. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

NOVEMBER 5, 2024/AR/smg..