

Saroj Bala vs The State (Govt. Of Nct Of Delhi) & Anr on 13 July, 2022

Author: Sudhir Kumar Jain

Bench: Sudhir Kumar Jain

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IN THE HIGH COURT OF DELHI AT NEW DELHI
CRL.M.C. 3128/2022
SAROJ BALA

Through: Mr. Kunal Ahlawat and M
Chhikara, Advocates with
in person.

versus

THE STATE (GOVT. OF NCT OF
DELHI) & ANR.

Through: Mr. Ashok Kumar Garg, APP for
State with SI Rajeshwar Parmar
Vasant Kunj North.
Mr. Sumit Kumar, Advocate for
with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE SUDHIR KUMAR JAIN
ORDER

% 13.07.2022

1. The present petition is filed under section 482 Cr.P.C. for quashing of FIR bearing No. 265/2016 registered under sections 498-A/406/34 IPC at P.S. Vasant Kunj North, Delhi.

2. Issue notice. Mr. Ashok Kumar Garg, Additional Public Prosecutor accepts notice on behalf of the respondent no. 1/State and Mr. Sumit Kumar, Advocate accepts notice on behalf of the respondent no. 2.

3. Respondent no. 2 got married with Harish Dalal, who was son of the petitioner nos. 1 & 2, on 06.05.2011 according to Hindu rites and ceremonies and no issue was born out of their marriage. Harish Dayal has already been expired on 11.08.2014. The petitioners are the family members of the deceased Harish Dayal. The petitioners and the respondent no. 2 are identified by the Investigating Officer SI Rajeshwar Parmar, P.S. Vasant Kunj North and their respective counsels.

4. The respondent no. 2 filed a complaint dated 04.11.2015 at CAW Cell, South District, Saket, Delhi and on the basis of said complaint, FIR bearing No. 265/2016 under sections 498-A/406/34 IPC was got registered at P.S. Vasant Kunj North wherein, the petitioners were implicated. After completion of investigation, the charge-sheet was filed and the trial is pending in the Court of Ms.

Vasundhara Chhaunkar, MM, Mahila Court-01, New Delhi.

5. The petitioners and the respondent no. 2 have settled their disputes vide settlement/Memorandum of Understanding dated 24.02.2020 whereby, the petitioners and the respondent no. 2 have agreed not to initiate any litigation civil or criminal against each-other and also to withdraw the cases, if any, pending between them.

6. The respondent no. 2 stated that she has settled with the petitioners out of her own free will and without any fear, force and coercion and she does not have any objection if the present petition is allowed and the FIR bearing No. 265/2016 is ordered to be quashed.

7. The Additional Public Prosecutor for the State also stated that Harish Dalal with whom the respondent no. 2 got married has already expired and the petitioners are in-laws of the respondent no. 2. The petitioners and the respondent no. 2 have settled their disputes amicably and out of their own free will without any fear, force and coercion and as such, he does not have any objection if the present petition is allowed and the FIR bearing No. 265/2016 is ordered to be quashed.

8. The petitioners and the respondent no. 2 have already settled their disputes vide settlement/Memorandum of Understanding dated 24.02.2020. Harish Dalal with whom respondent no. 2 got married has already expired. No useful purpose shall be served if the trial arising out of FIR bearing No. 265/2016 is allowed to be continued.

9. After considering all facts and in the interest of justice, the present petition is allowed and the FIR bearing No. 265/2016 under sections 498- A/406/34 IPC registered at P.S. Vasant Kunj North is ordered to be quashed alongwith consequential proceedings including judicial proceedings pending before the concerned trial Court.

10. Accordingly, the present petition alongwith pending applications, if any, stands disposed of.

SUDHIR KUMAR JAIN, J JULY 13, 2022/N