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

+ CRL.M.C. 3003/2015 & Crl.M.A.Nos. 10722-23/2015

SHAJAHAN Petitioner

Through: Mr. Gurmeet, Advocate

versus

STATE & ANR. Respondent

Through: Ms. Nishi Jain, Additional Public
Prosecutor for respondent-State
with SI Shri Gopal

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

29.07.2015

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Petitioner is the sister-in-law (*nanad*) of complainant/ first-informant of FIR No.922/2014, under Sections 498A/506/34 of the IPC, registered at police station Shakarpur, Delhi, who seeks quashing of this FIR, while relying upon the charge-sheet file in this case, wherein it has been said that during the course of investigation, no evidence is found against her.

At the hearing, learned counsel for petitioner has placed on record copy of charge-sheet and submitted that petitioner has not been summoned by the trial court in view there being no evidence against her but the pendency of a criminal case against her is a stigma, as it will always stand in her way and so, to secure ends of justice, the FIR in question be quashed qua petitioner. Reliance is also placed by learned

counsel for petitioner upon decision of Apex Court in *Preeti Gupta & anr. Vs. State of Jharkhand & anr.* in support of his contentions.

Upon notice, Ms. Nishi Jain, learned Additional Public Prosecutor for respondent-State submits that no evidence is found against petitioner and so, she has not been summoned as accused.

In such a situation, applying the dictum of Apex Court in *Preeti Gupta (supra)* to the facts of the instant case, I see no purpose in keeping the FIR in question alive qua petitioner.

Accordingly, this petition is allowed and FIR No.922/2014, under Sections 498A/506/34 of the IPC, registered at police station Shakarpur, Delhi and proceedings emanating therefrom are quashed qua petitioner.

This petition and applications are accordingly disposed of.

(SUNIL GAUR)
JUDGE

JULY 29, 2015

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