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

+ **CRL.M.C. 5755/2022**

**AMIT KUMAR & ANR.**

..... Petitioners

Through: Mr. Rudra Vikram Singh, Mr.  
Abhishek Singh and Mr. Manish  
Kumar, Advs.

versus

**STATE OF NCT OF DELHI & ANR.**

..... Respondents

Through: Mr. Sunil Kumar Gautam, APP with  
SI Ajay, P.S. Neb Sarai.

**CORAM:**

**HON'BLE MR. JUSTICE VIKAS MAHAJAN**

**ORDER**

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**09.11.2022**

**CRL.M.A. 22659/2022**

1. Allowed, subject to all just exceptions.
2. Application stands disposed-of.

**CRL.M.C. 5755/2022**

3. This is a petition under Section 482 of CrPC for quashing of FIR No. 113/2021 dated 06.04.2021, registered at P.S. Neb Sarai under Section 498A/406/34 of IPC, 1860 on the ground that the petitioners herein are Brother-in-law (Jeth) and Sister-in-law (Jethani) of the complainant and they have not been residing in the matrimonial home.
4. The learned counsel for the petitioners submits that the petitioner no.1 was earlier working at Chandigarh in a company called "Acer" and



thereafter, he was transferred from Chandigarh to Bengaluru on 10.04.2018 and ever since he has been residing at Bengaluru along with his wife, who is also employed there. According to the learned counsel for the petitioners, the allegation against the petitioner no.1 is general in nature. The only assertion made in the FIR against the petitioner no.1 is that the complainant heard the petitioner no.1 speaking to his mother over phone and instigating her against the complainant. This according to the learned counsel does not stand to reason as the petitioner no.1 at the relevant time was residing in Bengaluru and there was no occasion for the complainant to have over heard the petitioner no.1 speaking to her mother over phone. No further details have been divulged in the FIR with regard to the role of the petitioners.

5. Issue notice. The learned APP for the State accepts notice.
6. List on 07.02.2023.

**CRL.M.A. 22660/2022(stay)**

7. Till the next date of hearing, the proceedings arising out of FIR No. 113/2021 dated 06.04.2021 are stayed against the present petitioners. It is, however, made clear that proceedings/trial *qua* remaining accused may proceed in accordance with law.
8. List on 07.02.2023.

**VIKAS MAHAJAN, J**

**NOVEMBER 9, 2022/dss**