

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 1917 OF 2017  
[ARISING OUT OF SPECIAL LEAVE PETITION  
(CRIMINAL) NO.5158 OF 2015]

SUSHILA SURYAWANSHI                      ...APPELLANT(S)

VERSUS

STATE OF NCT (DELHI)  
& ANR.    ...RESPONDENT(S)

ORDER

1.            The services of the counsel engaged by the Supreme Court Legal Services Committee is dispensed with.
2.            Delay condoned.
3.            Leave granted.
4.            We have heard the learned counsel for the respondents.
5.            In the impugned order, the High Court after allowing the quashing petition filed by the respondent No.2 -Ashok Chawla has made the following observation insofar as the appellant who is the accused in FIR

No.40/2009 registered at Karol Bagh Police Station is concerned:

"In the result, Crl.M.C. No.3548/2011 is allowed and the order dated 10<sup>th</sup> October, 2011 of the learned Metropolitan Magistrate in the complaint case is set aside. It is, however, made clear that as when the accused husband wife due file any petition for quashing of the case registered against them the petitioner herein shall stick to the assurance given on his behalf in the present matters for giving no objection to the quashing of that case also."

6. In the counter affidavit of the respondent No.2 - Ashok Chawla who is the first informant in FIR No.40/2009 registered at Karol Bagh Police Station it has been stated that the respondent No.2 is ready and willing to record his no objection for quashing of FIR No.40/2009 in terms of the settlement agreement dated 16<sup>th</sup> May, 2011.

7. In view of the above, we find no good reason to continue to entertain this appeal. We accordingly dispose of the same by observing that it will be open for the appellant to move the appropriate Court for quashing of FIR No.40 of 2009 in terms of the settlement agreement dated 16<sup>th</sup> May, 2011.

8. The appeal is disposed of in the above terms.

.....,J.  
(RANJAN GOGOI)

.....,J.  
(NAVIN SINHA)

NEW DELHI  
NOVEMBER 13, 2017

ITEM NO.35

COURT NO.3

SECTION II-C

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (CRL.) NO(S). 5158/2015  
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 20-02-2013  
IN CRLMC NO. 3548/2011 PASSED BY THE HIGH COURT OF DELHI AT NEW  
DELHI)

SUSHILA SURYAWANSHI

PETITIONER(S)

VERSUS

STATE OF NCT (DELHI) & ANR.	RESPONDENT(S)
(FOR CONDONATION OF DELAY IN FILING ON IA 5791/2015	
FOR CONDONATION OF DELAY IN REFILEING ON IA 5793/2015	
FOR STAY APPLICATION ON IA 10792/2015)	

Date : 13-11-2017 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE RANJAN GOGOI  
HON'BLE MR. JUSTICE NAVIN SINHA

For parties:(s)

Mr. Jatin Rajput, Adv.  
For Ms. Nidhi, AOR

Mr. Ravi Bassi, Adv.  
Mr. Surender Kumar Gupta, AOR

Ms. Vibha Dutta Makhija, Sr. Adv.  
Mr. P.K. Dey, Adv.  
Ms. Sushma Manchanda, Adv.  
Mr. B.V. Balaram Das, Adv.

Mr. Munawwar Naseem, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Delay condoned.

Leave granted.

The appeal is disposed of in terms of the signed order.

[VINOD LAKHINA]

AR-cum-PS

[ASHA SONI]

BRANCH OFFICER

[SIGNED ORDER IS PLACED ON THE FILE]