

IN THE HON'BLE HIGH COURT OF _____

CRIMINAL M.C. No. _____ OF 201....

IN THE MATTER OF:

SH. _____ & ORS. ..PETITIONERS

VERSUS

THE STATE ..RESPONDENTS

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_____.

DATED

COUNSEL FOR THE PETITIONERS

IN THE HON'BLE HIGH COURT OF _____

CRIMINAL M.C. No. _____ OF 2011

IN THE MATTER OF:

SH. _____ & ORS. ..PETITIONERS

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**TO,
THE DEPUTY REGISTRAR,
HIGH COURT OF _____,
_____.**

SUBJECT: URGENT APPLICATION

Sir,

Kindly treat the enclosed petition as an urgent one according to

High Court rules and orders. The ground of urgency is as under:-

“Necessary orders for quashing the FIR No....., under section 498-A/406/34(Add necessary section) I.P.C. P.S. _____ are prayed for.”

PETITIONERS

DATED

THROUGH

COUNSEL

IN THE HON'BLE HIGH COURT OF _____

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NOTICE OF MOTION

The Standing Counsel (CrI.)

High Court _____

Sir,

The accompanying petition is being preferred for quashing of. FIR No....., under section 498-A/406/34(Add necessary section) I.P.C. P.S. _____ is annexed, which is likely to come up before the Hon'ble High Court on _____ or any other date thereafter.

This is for your information and necessary action.

PETITIONERS

DATED

THROUGH

COUNSEL

IN THE HON'BLE HIGH COURT OF _____

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PETITION UNDER SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE, 1973 PRAYING THIS HON'BLE COURT TO PASS NECESSARY ORDERS AND DIRECTION THEREBY QUASHING AND CANCELLING THE FIR NO.74/2010, UNDER SECTION 498-A/406/(Add necessary section) I.P.C. P.S. _____

MEMO OF PARTIES

1. _____

..PETITIONERS

VERSUS

1. THE STATE

2. _____

...RESPONDENT

PETITIONERS

DATED

THROUGH

COUNSEL

List of Dates and Events

Date`	Particulars of events
.....	The marriage between the petitioner No. 1 and respondent No. 2 was solemnized according to Hindu rites and ceremonies at _____ on The marriage between the parties was duly consummated and out of this wedlock no issue was born.
.....	That after the marriage, the petitioner No. 1 and respondent No. 2 lived together as husband and wife in the matrimonial home.
.....	A complaint filed in CAW Cell against the petitioners by the respondent No. 2 on
.....	In pursuant to the above complaint, a FIR No.74/2010, under section 498-A/406/34(Add necessary section) I.P.C. P.S. _____ was registered against the petitioner No. 1 and his family members.
.....	That due to the intervention of the Mediation Centre,/ or Relatives, the matter between both the petitioners have been amicably settled vide order dated
	Hence this petition

IN THE HON'BLE HIGH COURT OF _____

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PETITION UNDER SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE, 1973 PRAYING THIS HON'BLE COURT TO PASS NECESSARY ORDERS AND DIRECTION THEREBY QUASHING AND CANCELLING THE FIR NO.74/2010, UNDER SECTION 498-A/406/34(Add necessary section) I.P.C. P.S. _____

AND ALSO

PRAYING THIS HON'BLE COURT TO PASS ANY OTHER ORDER OR DIRECTION AS THIS HON'BLE COURT MAY DEEM FIT AND PROPER IN THE FACTS AND CIRCUMSTANCES OF THE CASE.

TO,

**THE HON'BLE CHIEF JUSTICE
AND HIS HON'BLE COMPANION
JUSTICES OF THE HIGH COURT OF
_____.**

**THE HUMBLE PETITION OF THE
PETITIONERS ABOVE NAMED.**

MOST RESPECTFULLY SHOWETH:

- 1. That the marriage between the petitioner No. 1 and respondent No. 2 was solemnized on at _____according**

to Hindu rites and ceremonies. The marriage was duly consummated and out of this wedlock no issue was born.

2. That the petitioner No. 1 is the husband, petitioner No. 2 is the mother-in-law, Petitioner No. 3 is the sister-in-law and petitioner No. 4 is brother-in-law of the respondent No. 2/complainant

3. That there is irretrievable break down of the marriage due to incompatible behaviour, conduct and temperament of the parties. Accordingly, the parties to the petition have been living separately since and have not been able to live together or cohabited since then.

4. That a complaint filed in CAW Cell against the petitioners by the respondent No. 2 on and the said complaint converted into FIR No....., under section 498-A/406/34/(Add necessary section) I.P.C. P.S. _____. True photocopy of the FIR and its true typed copy are annexed herewith as **Annexure P-1 (Colly)**.

5. That due to the intervention of the Mediation Centre/Relatives, both the petitioner No. 1 and Respondent No. 2 have mutually agreed before the Mediation Cell, _____ Court that their marriage may be dissolved and that there shall be no claim

whatsoever made out against any of the parties or against each other and they shall be bound by the conditions settled amongst them before the Mediation Cell, _____ Court.

6. That both the parties have agreed upon a settlement that the Petitioner No. 1 will pay a total sum of Rs...../- on account of full and final settlement of all past present and future claims of all kinds in lieu of dowry articles, Stridhan, maintenance present past and future and also includes all claims of permanent alimony.
7. That the said amount will be divided in _____ installments of Rs...../- at the time of First motion to the petitioner No. 1, second installment of Rs...../- was paid at the time of second motion and last and final installment of Rs...../- being paid at the time of quashing of the FIR No. u/s 498-A/406/34/(Add necessary section) IPC, P.S. -----.
8. That the respondents No.2 has no more grievance against the petitioner. The respondent No.2 is not willing to support the imputations made in the said FIR against the petitioners because the dispute in question has already been settled/compromised between the parties. In these

circumstances, there are no chances of successful prosecution and conviction of the petitioners. Therefore, no fruitful purpose will be served while allowing the criminal proceedings in question to continue. The very purpose of justice will be frustrated by allowing the criminal proceeding in question to continue.

9. That the compromise between the parties has been arrived with their free consent, without any threat or pressure or coercion or undue influence.
10. That the respondents no.2 has no objection if the FIR in question is quashed qua the petitioners.
11. That the Petitioner crave leave of the Hon'ble Court to urge such further additional ground (s), at the time of hearing of this petition, which have not been specifically taken up in this petition.
12. That the Petitioners have not alternative and efficacious remedy except to approach this Hon'ble Court for seeking relief claimed in the petition.
13. That the Petitioners have not filed any other similar petition seeking quashing of complaint case in question either before

this Hon'ble Court or before the Hon'ble Supreme Court of India.

14. That the Annexures annexed with this petition are true copies of their respective originals.

PRAYER

It is, therefore, most humbly and respectfully prayed that this Hon'ble Court may kindly be pleased to quash the FIR No....., under section 498-A/406/34/(Add necessary section) I.P.C. P.S. _____, in the interest of justice.

PETITIONERS

DATED

THROUGH

COUNSEL

IN THE HON'BLE HIGH COURT OF _____

CRIMINAL M.C. No. _____ OF 201...

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AFFIDAVIT

I, _____ S/O _____, AGED
ABOUT _____ YEARS R/O

_____, do hereby solemnly
affirm and declare as under:

1. That the deponent is petitioner No. 1 in this petition and is fully conversant with the facts and circumstances of this case. The deponent is competent to swear this affidavit.
2. That the accompanying petition has been drafted and filed under my instructions by my counsel. I have read the same in between the lines and the same is true and correct to the best of my knowledge and belief and nothing has been concealed therein.
3. That the deponent has not filed any other similar petition seeking quashing of FIR in question either before this Hon'ble Court or before the Hon'ble Supreme Court of India.

DEPONENT

VERIFICATION:

Verified at _____ on this ____ day of May, 2011
that the contents of the above affidavit are true and correct to the best of
my knowledge and belief and nothing material has been concealed therein.

DEPONENT

IN THE HON'BLE HIGH COURT OF _____

CRIMINAL M.C. No. _____ OF 201...

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STATEMENT OF NON FILING

That the Petitioners have not filed any other similar petition seeking quashing of FIR in question either before this Hon'ble Court or before the Hon'ble Supreme Court of India.

PETITIONERS

DATED

THROUGH

COUNSEL

IN THE HON'BLE HIGH COURT OF _____

C.M. No. ____ OF 201...

IN

CRIMINAL M.C. No. _____ OF 201..

IN THE MATTER OF:

SH. _____ & ORS. ..PETITIONERS

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**APPLICATION UNDER SECTION 482 Cr.P.C. FOR
EXEMPTION FROM THE FILING CERTIFIED COPY OF
THE ANNEXURES.**

MOST RESPECTFULLY SHOWETH:

1. That the petitioners have filed the above said petition before this Hon'ble Court seeking quashing of FIR No._____, under section 498-A/406/34/(Add necessary section) I.P.C. P.S. _____, the contents whereof are not being repeated herein for the sake of brevity and may be read as part and parcel of the present application.
2. That the petitioners are unable to furnish the certified copy of the aforesaid annexures at this stage and will submit the same before this Hon'ble Court after their receipt.

It is, therefore, most humbly and respectfully prayed that filing of the certified copies of the annexures may kindly be exempted, in the interest of justice.

PETITIONERS

DATED

THROUGH

COUNSEL

DEPONENT

IN THE HON'BLE HIGH COURT OF _____, AT
_____.

CRIMINAL M.C. No. _____ OF 2011

IN THE MATTER OF:

SH. _____ & ORS. ..PETITIONERS

VERSUS

THE STATE ..RESPONDENTS

COURT FEES

PETITIONERS

DATED

THROUGH

COUNSEL