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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(Crl.) No.1048/2009

Harpreet Singh Thukral Petitioner
Through: Mr. P. Jauhar, Advocate

versus

State & Ors. Respondent
Through: Mr. Saleem Ahmed, ASC for State
Mr. Chetan Anand, Advocate for the
R-2.

And

+ Crl. MC No.3956/2008

Harpreet Singh Thukral Petitioner
Through: Mr. P. Jauhar, Advocate

versus

State & Ors. Respondent
Through: Mr. Saleem Ahmed, ASC for State
Mr. Chetan Anand, Advocate for the
R-2.

CORAM:
HON'BLE MR. JUSTICE M.L. MEHTA

% **ORDER**
08.11.2011

These two petitions have been filed for quashing of FIR No.30/2008 (under Sections 498A/406 IPC lodged at PS Nanakpura, New Delhi against the petitioner) and Crl. Misc. Main No.3956/2008 (filed for quashing of the order dated 30.5.2008 of the learned MM passed in CC No.2375/2008 whereby the petitioner was summoned under the Domestic Violence Act on

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the complaint filed by respondent Manveen Kaur).

19

The peculiar facts of the proceedings in these cases demonstrate the extent of abuse of process of the Court by a woman and her father in harassing her husband and his other family members. The petitioner Harpreet Singh was married to respondent no.2, Manveen Kaur. He and his other relations were arrayed in FIR No.30/2008 and he was arrayed in the aforesaid complaint under Domestic Violence Act by Manveen Kaur.

The petitioner Harpreet Singh and Manveen Kaur were residing in Germany when they both through their fathers as Authorized persons approached the Court to settle the matter in the Mediation & Conciliation Centre of this Court on 28.3.2010. Both Harpreet and Manveen sent their authorizations from Germany in favour of their respective fathers namely Khem Singh and D.P. Singh respectively. Both these authorizations were also presented before the Mediator in the Mediation & Conciliation Centre. Subsequently, it was got verified by the police through Ministry of External Affairs from German Embassy regarding the authenticity of the authorizations executed by the Manveen Kaur in favour of her father Mr. D.P. Singh. The same was reported to be duly executed by Manveen Kaur and attested by the concerned government officer at Germany. Since the matter was likely to settle before the Mediation & Conciliation Centre, both Mr. Khem Singh and Mr. D.P. Singh appeared before the Mediation Centre on different dates and finally on 28.3.2010, the matter was settled by them on behalf of their son Harpreet Kaur and daughter Manveen Kaur. The settlement deed in original

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which has been received from the Mediation and Conciliation Centre is on record as Ex.C1. It shall form part of this order and the terms settled are not being repeated. However, in pursuance of the settlement as executed between both the parties, a sum of Rs.12 lac was to be paid by the petitioner to Manveen Kaur in two installments of Rs.6 lac each as full and final payment towards all her claims for permanent alimony, past, present and future. In pursuance of the agreement/ settlement both the parties were to file First and Section Motion of mutual divorce petition before the Court at Delhi. The first installment of Rs. 6 lac was to be paid at the time of recording of statement in Second Motion and the balance amount of Rs.6 lac was to be paid at the time of quashing of FIR No.30/2008 and complaint case CC No.2375/2008. Further any case filed by either of the party in Germany against each other shall also be considered as null and void and dismissed after the decree of divorce and quashing of FIR. The complaint, if any, filed by D.P. Singh against petitioner was not to be pursued by him and the same to be withdrawn.

It is submitted by learned counsel for the petitioner and not controverted by the learned counsel for the respondent/ complainant Manveen Kaur that the first motion of divorce by mutual consent has already been accepted by the competent court on the petition filed for the same wherein D.P. Singh duly represented her daughter Manveen Kaur. The controversy that arose was that D.P. Singh did not come forward for second motion of divorce by mutual consent nor came forward nor cooperated with the quashing of aforesaid FIR and the complaint case.

21

Learned counsel for the respondent states that the power of attorney executed by Manveen Kaur in favour of her father Mr. D.P. Singh has since been withdrawn and she is not interested to settle the matter with the petitioner. This stand seems to have been taken by Manveen Kaur with malafide intention in connivance with her father D.P. Singh. It would be seen that despite the matter having been settled in the Mediation Centre by Mr. D.P. Singh who was duly authorized by her daughter Manveen Kaur and the said authorization was genuine, he did not appear for signing of papers of first motion for grant of divorce before the Court whereupon the contempt application was moved by the petitioner against him. He appeared in the court through his counsel Ms. Rekha Aggarwal, Advocate before this Court on 3.3.2011 and gave an undertaking to sign and make necessary statement before the competent court for the first motion and also sign the second motion petition and also make statement after six months. The undertaking given by him in this regard was accepted with the direction that the first motion application will be signed by him within three days.

I have seen that the authorization in favour of Mr. D.P. Singh was duly executed by respondent Manveen Kaur and the settlement was arrived at by him in the Mediation Centre and that the first motion was granted by the Court. Now to say that the authorization has been withdrawn was nothing but motivated and malafide move to further harass the petitioner. The amount of Rs.12 lac is stated to be still lying deposited with this Court.

In pursuance of the settlement arrived at between petitioner and

22

respondent Manveen Kaur as above, since Manveen Kaur and her father D.P. Singh are not coming forward for further proceedings regarding second motion and quashing of FIR, the said amount of Rs.12 lac shall remain deposited till the grant of dissolution of marriage by a decree of divorce by mutual consent as per law. However, in the given facts and circumstances, FIR No.30/2008 dated 14.6.2008 registered at Police Station Nanak Pura, Delhi under section 498A/406 IPC against the petitioner and the summoning order dated 30.5.2008 passed under the application under Section 12 of the Protection of the Women From Domestic Violence Act in case bearing number CC-2375/2008 and the consequent proceedings arising therefrom are liable to be quashed and are hereby quashed.

Both the petitions stand disposed of accordingly.



M.L. MEHTA, J

NOVEMBER 08, 2011

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