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

+ CRL.M.C. 5227/2015

SUNIL KUMAR MAURYA

..... Petitioner

Represented by: Mr. A.V. Shukla, Advocate
with petitioner in person.

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Represented by: Mr. Ashok K. Garg, APP for
the State with Inspector
Mukesh Devi, PS Burari.
Respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

15.09.2016

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Crl.M.A. 18839/2015

For the reasons stated in the application, the delay of 60 days in
refiling the petition is condoned.

Application is disposed of.

Crl.M.C.5227/2015 & Crl.M.A. 18838/2015 (stay)

1. By the present petition the petitioner who is the husband of the
respondent No.2 seeks quashing of FIR No.1118/2014 under Sections
376D/380/506/34 IPC registered at PS Burari, Delhi on the complaint of
respondent No.2 on the ground that the parties have settled the matter.
2. In the above noted FIR the respondent No.2 alleged that she was
earlier married and had two sons from the earlier marriage however her
husband was missing for the last seven years and despite best efforts of
searching him his whereabouts were not known. The petitioner was residing

in the neighbourhood of the respondent No.2 and he became close to the son of the respondent No.2 and started coming to her house. Thereafter the petitioner started pressurising her to make physical relations which she did not allow. On one day when petitioner came at her beauty parlour under the influence of liquor he abused and quarrelled with her but she was somehow saved by the neighbours. Thereafter the petitioner hit her on the wall. However, the parties patched up and later on the assurance given by the petitioner that he would marry the complainant he established physical relations with her from 20th January, 2014. The marriage between the petitioner and respondent No.2 was performed on 23rd June, 2014 and both of them started residing in a rented accommodation. After the marriage the behaviour of the petitioner and his family members changed and they started demanding dowry from her.

3. As per the learned APP for the State the allegations of respondent No.2 in the FIR were also that on 18th November, 2014 the petitioner and his two brothers raped the prosecutrix on the basis of which the above-noted FIR was registered. However, during course of investigation, it was found out that the location of the two brothers of the petitioner was not found near the address of respondent No.2 and thus they were not charge sheeted. Further no evidence of missing of ration, gold and ₹2 lakhs as alleged was substantiated during investigation. Thus charge sheet was filed only for offence punishable under Section 377 IPC against the petitioner who is the husband of respondent No.2.

4. Respondent No.2 who is present in Court and is identified by the investigating officer, states that she has settled the matter with the petitioner and does not wish to pursue the above noted FIR and proceedings pursuant

thereto as both of them are residing happily together.

5. In view of the fact that charge sheet is only for offence punishable under Section 377 IPC against the petitioner who is husband of respondent No.2, there is no legal impediment in quashing the above noted FIR. Further continuation of above noted FIR and proceedings pursuant thereto would cause further acrimony between the parties and in order to resolve their matrimonial dispute it is in the interest of justice that the above noted FIR and proceedings pursuant thereto are quashed. However, this Court is constrained to note that in order to settle the matter with the petitioner, the complainant exaggerated the allegations in the FIR and involved two brothers of the petitioner also and levelled the allegations of theft of ₹2 lakhs cash, gold jewellery and ration from the house also.

6. In view of this conduct of respondent No.2, this Court while quashing the above noted FIR imposes a cost of ₹50000/- which the complainant/respondent No.2 will deposit with the Juvenile Justice Fund maintained by Registrar General of this Court within four weeks.

7. Consequently, FIR No.1118/2014 registered at PS Burari, Delhi and proceedings pursuant thereto are hereby quashed subject to the complainant/respondent No.2 depositing a sum of ₹50,000/- with the Juvenile Justice Fund maintained by Registrar General of this Court within four weeks.

8. Parties have signed this order sheet in acknowledgment of their statements made before this Court.

9. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

SEPTEMBER 15, 2016/‘vn/vkm’

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

+ **CRL.M.C. 1959/2016**

PANKAJ SHARMA & ORS

..... Petitioner

Represented by: Mr. Sumit Kumar, Adv. with
petitioners.

versus

THE STATE (NCT OF DELHI) & ANR

..... Respondent

Represented by: Ms. Rajni Gupta, APP with SI
Manish Kumar, Spl. Cell/Lodhi
Colony.
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

15.09.2016

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CrI.M.A. 8296/2016

For the reasons stated in the application, the delay in refiling the petition is condoned.

Application is disposed of.

CrI.M.C. 1959/2016

By the present petition, the petitioners seek quashing of FIR No.526/2012 under Sections 498A/406/34 IPC registered at PS Mandawali on the complainant of respondent No.2 and proceedings pursuant thereto as the parties have settled the matter.

Learned APP for the State submits that though in the abovementioned FIR, all the nine petitioners were named however in the charge sheet petitioner No.8 was kept in column No.2 and petitioners No.4 and 9, who were minor at the time of incident, were not even charge sheeted.

Respondent No.2 is present in Court and is identified by the investigating officer. She states that she has settled the matter with the petitioners and as per the settlement, divorce by mutual consent has been granted between petitioner No.1 and respondent no.2. In lieu of all her claims towards maintenance/stridhan/permanent alimony etc., respondent No.2 was entitled to receive a sum of ₹16 lakhs from the petitioners out of which she has already received ₹11 lakhs and remaining amount of ₹5lakhs, she has received today by way of Manager's Cheque No.021866 dated 12.9.2016 drawn on HDFC Bank, Netaji Subhash Place, New Delhi-110034 favouring Aditya Sharma under the guardianship of respondent No.2. She further submits that child Aditya Sharma born out of the wedlock would remain in the care and custody of respondent No.2 and the petitioners would have no visitation rights of the child. She states that she does not wish to pursue the above noted FIR and the proceedings pursuant thereto. The petitioner who are present in Court and are identified by learned counsel affirm the statement of respondent No.2 and state that they will abide by the terms of settlement.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, rather the same would create further acrimony between them, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No.526/2012 under Sections 498A/406/34 IPC registered at PS Mandawali, Delhi and proceedings pursuant thereto are

hereby quashed.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

The petition is disposed of. Order dasti.

MUKTA GUPTA, J.

SEPTEMBER 15, 2016
‘vkm’