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

+ CRL.M.C. 1172/2016

SURESH KUMAR & ORS.

..... Petitioner

Through Mr. Neeraj Jain, Adv.

versus

GOVT OF NCT OF DELHI & ANR

..... Respondents

Through Mr. Izhar Ahmad, APP for the State with
SI Sunil Chandra, PS Tilak Nagar
Mohd. Aslam, Adv. for R-2 with
Respondent No.2 in person

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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06.12.2017

Vide the present petition, the petitioners seek quashing of the FIR No. 348/2012 under Sections 498A/406/34 IPC, 1860 P.S. Tilak Nagar and all proceedings emanating therefrom submitting *inter alia* to the effect that a settlement has been arrived at between the parties and that the marriage between the petitioner No.1 and the respondent No.2 has since been dissolved vide a decree of divorce through mutual consent vide decree of divorce dated 16.1.2015 under Section 13 B (2) of the Hindu Marriage Act, 1955 in HMA No.36/2015 of the Judge, Family Court, Rohini, New Delhi certified copy of which is Ex.CW2/A.

The Investigating Officer of the case has identified the petitioner No.1 as one of the co-accused arrayed in the aforesaid FIR and the respondent No.2 complainant thereof and has also stated that apart from petitioners No.1 to 7 mentioned in the memo of parties there are no other persons arrayed as accused in FIR No. 348/2012 under Sections 498A/406/34 IPC, 1860 P.S. Tilak Nagar.

The respondent No.2 in her to the examination by the Court has affirmed the existence of the decree of divorce through mutual consent vide decree of divorce dated 16.1.2015 under Section 13 B (2) of the Hindu Marriage Act, 1955 in HMA No.36/2015 of the Judge, Family Court, Rohini, New Delhi and has stated that no claims of hers are left against the petitioner. She states that she seeks the return of articles of dowry lying in the malkhana of police station Tilak Nagar. She further states that she does not oppose the prayer made by the petitioners Suresh Kumar, Budhan Rai, Moni Devi, Rakesh Rai, Usha Rai, Sajeeta, Mahesh Rai seeking the quashing of the FIR No.348/2012 under Sections 498A/406/34 IPC, 1860 P.S. Tilak Nagar. During the course of examination respondent No.2 has stated that she be not harassed by the petitioners in any manner and be not contacted by them.

The petitioner No.1 in his statement on oath has undertake not to contact the respondent No.2 neither himself nor through his family members.

Learned APP for the State also does not oppose the prayer made by the petitioners seeking quashing of the FIR in view of the settlement arrived at between the parties.

In view of the submissions made by the respondent No.2 duly identified by the Investigating Officer of the case and taking into account the factum that the FIR is indicated to be registered in view of the matrimonial discord between the petitioner No.1 and respondent No.2 which has since been resolved, in view of the verdict of the Supreme Court *in Gian Singh vs. State of Punjab & Another, (2012) 10 SCC 303* and *Jitendra Raghuvanshi & Ors. Vs. Babita Raghuvanshi & Anr. (2013) 4 SCC 58*, observing specifically to the effect that in the cases where the matrimonial disputes have been resolved, it would be appropriate and expedient for the Court to exercise its inherent jurisdiction in quashing the non-compoundable offences also to maintain peace and harmony between the parties and in the society, in view thereof the FIR No. 348/2012 under Sections 498A/406/34 IPC, 1860 P.S. Tilak Nagar and all the consequential proceedings emanating therefrom against the petitioner Nos. 1 to 7 namely, Suresh Kumar, Budhan Rai, Moni Devi, Rakesh Rai, Usha Rai, Sajeeta, Mahesh Rai are quashed.

The petition is disposed of.

ANU MALHOTRA, J

DECEMBER 06, 2017

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IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 49

Crl. M.C. 1172/2016

SURESH KUMAR & ORS. Vs. GOVT OF NCT OF DELHI & ANR.

6.12.2017

CW-3 SURESH KUMAR SON OF SHRI BUDHAN RAI AGED 35 YEARS R/O 22A, KRISHNA ENCLAVE, JANTA FLATS, ASHOK VIHAR PHASE-III, DELHI-110052

ON S.A.

I undertake not to have any contact with respondent No.2 Smt. Surbhi Kumari daughter of Shri Sunil Kumar neither myself nor through my family members.

RO & AC
6.12.2017

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

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CrI. M.C. 1172/2016

SURESH KUMAR & ORS. Vs. GOVT OF NCT OF DELHI & ANR.

6.12.2017

CW-2 SMT. SURBHI KUMAR D/O SHRI SUNIL KUMAR AGED 26 YEARS R/O B-82, JEEWAN PARK, UTTAM NAGAR, DELHI-110053 PREVIOUSLY RESIDING AT A-29-B, DDA FLATS OPPOSITE BLOCK 12, TILAK NAGAR, NEW DELHI-110057 ON S.A.

The marriage between me and the petitioner No.1 has since been dissolved vide a decree of divorce through mutual consent vide decree dated 16.1.2015 under Section 13 B (2) of the Hindu Marriage Act, 1955 in HMA No.36/2015 of the Judge, Family Court, Rohini, New Delhi. Certified copy of which is Ex.CW2/A. There is no child out of the wedlock between me and petitioner No.1. My articles of dowry lying at PS Tilak Nagar be returned to me. I have no opposition to the prayer made by the petitioners No.1 to 7 Suresh Kumar, Budhan Rai, Moni Devi, Rakesh Rai, Usha Rai, Sajeeta, Mahesh Rai seeking quashing of the FIR No. 348/2012 under Sections 498A/406/34 IPC, 1860 P.S. Tilak Nagar and all proceedings emanating therefrom.

I have made this statement voluntarily of my own accord without any duress, coercion or pressure from any quarter. I only seek that petitioners do not harass me anymore.

RO & AC
6.12.2017

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 49

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SURESH KUMAR & ORS. Vs. GOVT OF NCT OF DELHI & ANR.

6.12.2017

**CW-1 SI SUNIL CHANDRA POLICE STATION TILAK NAGAR.
ON S.A.**

I identify both the petitioners No.1 Suresh Kumar son of Shri Budhan Rai and respondent No.2 Smt. Surbhi Kumar d/o Shri Sunil Kumar. Petitioner No.1 Suresh Kumar is one of the accused in FIR No. 348/2012 under Sections 498A/406/34 IPC, 1860 P.S. Tilak Nagar. Apart from petitioner No.1 and petitioners No.2 to 7 namely, Suresh Kumar, Budhan Rai, Moni Devi, Rakesh Rai, Usha Rai, Sajeeta, Mahesh Rai there are no other persons arrayed as accused in FIR No. 348/2012 under Sections 498A/406/34 IPC, 1860 P.S. Tilak Nagar.

**RO & AC
6.12.2017**

ANU MALHOTRA, J