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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 4009/2016
PARVEEN KUMAR & ORS. Petitioners
Through Mr. S Khan, Adv

versus

STATE & ANR. Respondents
Through Mr. Panna Lal Sharma, APP for State
SI Prakash PS Sadar Bazar
R-2 in person

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **04.12.2017**

Vide the present petition, the petitioners seeks quashing of the FIR No.147/2010, under Sections 406/498A/34 Indian Penal Code, 1860, Police Station Sadar Bazar submitting *inter alia* to the effect that a settlement has been arrived at between the parties and the marriage between the petitioner No.1 and the respondent No.2 has since been dissolved through mutual consent vide a decree of divorce dated 04.05.2016 under Section 13 B (2) of the Hindu Marriage Act, 1955 in HMA No.552/2016 of the Court of the Principal Judge, Family Court (Central) Tis Hazari Courts, Delhi, certified copy of decree of divorce is Ex.CW2/D.

The Investigating Officer has identified both the petitioners No.1 to 4 and 6 and the respondent No.2.

The respondent No.2 has further testified to the effect that pursuant to the settlement arrived at between the petitioners and

herself a total sum of Rs.2,50,000/- was payable to her by the petitioners of which a sum of Rs.1,50,000/- has already been received by her previously and the balance sum of Rs.1,00,000/- is to be paid to her by the petitioners at the time of quashing of the FIR in terms of settlement dated 06.08.2016 in Execution No.380/2014, certified copy of order is on record as Ex. CW2/C.

In response to a specific court query the respondent No.2 has stated to the effect that she does not oppose the prayer made by the petitioners seeking quashing of the FIR No.147/2010, under Sections 406/498A/34 Indian Penal Code, 1860, Police Station Sadar Bazar. There is no reason to disbelieve the statement made by the respondent No.2 that she has made her statement of her own accord and without any duress or coercion from any quarter.

Taking into account the factum that the FIR is stated to have been registered out a matrimonial discord between the petitioner No.1 and the respondent No.2 which has since been dissolved through mutual consent vide a decree of divorce dated 04.05.2016 under Section 13 B (2) of the Hindu Marriage Act, 1955 in HMA No.552/2016 of the court of the Principal Judge, Family Court (Central) Tis Hazari Courts, Delhi and 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 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 thus the FIR No.147/2010, under Sections 406/498A/34 Indian Penal Code, 1860, Police Station Sadar Bazar and all the proceedings emanating therefrom against the petitioner Nos. 1 to 6, *namely*, Parveen Kumar, Rameshwar, Kamlesh, Vijayanti Mala and Roshan Lal are quashed.

The petition is disposed of.

ANU MALHOTRA, J

DECEMBER 04, 2017

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IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 57

Crl. M.C. 1280/2016

LOVELY SALHOTRA Vs. AMAN CHITKARA

4.12.2017

CW-1 STATEMENT OF MR. LOVELY SALHOTRA, S/O LATE SH. O P SALHOTRA, AGED 34 YEARS, R/O A-1/165, BLOCK 1, LAWRENCE ROAD, KESHAV PURAM, DELHI.

**ALSO R/O 163B, LAWRENCE ROAD, KESHAV PURAM, DELHI.
On S.A.**

I have brought my Election Card, photocopy whereof is on record as Ex. CW-1/A. (OSR).

Pursuant to settlement arrived at between me and the respondent Aman Chitkara, I have received a demand draft bearing no.752997 dated 18.11.2017 for a sum of Rs.5,70,000/- drawn on Bank of Baroda, photocopy is on record as Ex. CW-1/B, there are no further claims left against the respondent in relation to CC 310/4/2015. I undertake to return the affidavit of the respondent which is in my possession in relation to claims made in CC 310/4/2015. There are no further dues against the respondent. I, therefore, seek to withdraw Crl MC 1280/2016 seeking quashing of order dated 17.02.2016 in Crl Rev. No.55/2015 passed by Sp. Judge, CBI-II, Rohini and order dated 15.03.2016 in CC 310/4/15 passed by MM-03, North West, Rohini.

I have made this statement voluntarily of my own accord without any duress, coercion or pressure from any quarter.

**RO & AC
4.12.2017**

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 42

Crl. M.C. 4009/2016

PARVEEN KUMAR & ORS. Vs. STATE & ANR.

4.12.2017

CW-1 SI PRAKASH, POLICE STATION SADAR BAZAR ON S.A.

I identify both the petitioners No.1 to 4 and 6, *namely*, Parveen Kumar, Rameshwar, Kamlesh, Vijayanti Mala and Roshan Lal as the accused and the respondent No.2 Padmini, the complainant of the FIR No.147/2010, under Sections 406/498A/34 Indian Penal Code, 1860, Police Station Sadar Bazar present in the Court today.

RO & AC

4.12.2017

ANU MALHOTRA, J