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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 4393/2017 and Crl.M.A. Nos.17612-17613/2017

AMIT TYAGI & ORS

..... Petitioners

Through: Mr.Kapil Kaushik, Advocate

versus

THE STATE & ANR

..... Respondents

Through: Mr.Izhar Ahmad, APP for State with
SI Vikas Sahu, PS Vikas Puri
Respondent No.2 in person with
counsel (appearance not given)

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **27.11.2017**

Crl.M.A. No.17612/2017 (Exemption)

Exemption allowed, subject to just exceptions.

Crl.M.A. No. 17613/2017

This is an application seeking condonation of delay of 32 days in re-filing the petition after removing objections.

For the reasons stated in the application, the application is allowed and the delay of 32 days in re-filing the petition is condoned.

The application is disposed of.

Crl.M.C. No.4393/2017

It is submitted on behalf of the counsel for the respondent No.2 that the vakalatnama would be filed during the course of the day. The same be filed accordingly.

The Investigating Officer of the case is present and has

identified the respondent No.2 present in the Court today being the applicant of the FIR No.238/2014, under Sections 498-A/406/34 IPC Police Station Vikas Puri and has also affirmed the factum that the respondent No.2 is living with the petitioner No.1.

The respondent No.2 has produced her original Aadhar Card and has been directed to file a photocopy thereof in support of her identity. The respondent No.2 has further affirmed that her signatures on the affidavit at Point A on the Ex. CW-2/A annexed with the petition have been appended by her of her own accord and without any duress, coercion or pressure from any quarter.

Inter alia, the respondent No.2 has stated that she is living with the petitioner No.1 since 27.5.2016 and states that she has no problems now and she intends to live with the petitioner No.1 and thus she does not oppose the prayer made by the petitioners arrayed as accused in the FIR No.238/2014, under Sections 498-A/406/34 IPC Police Station Vikas Puri, and as also stated in the petition in order to maintain peace and harmony between the parties. The respondent No.2 does not oppose the release of the demand draft bearing No.000884 dated 28.5.2015 for a sum of Rs.1,00,000/- and the demand draft bearing No.000883 dated 28.5.2015 for a sum of Rs.2,00,000/- drawn on the ICICI Bank, deposited with the Registrar General of this Court to be released to the petitioner No.1.

Learned APP for the State in the circumstances does not oppose the prayer.

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 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 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.238/2014, under Sections 498-A/406/34 IPC Police Station Vikas Puri and all the proceedings emanating therefrom against the petitioner Nos. 1 to 7, namely, Amit Tyagi (Husband), Kanta (Mother-in-law), Ajit Tygai (Brother-in-law), Pinki (Sister-in-law), Alok ((Brother-in-law), Preeti (Sister-in-law) and Bharat (Brother-in-law) are quashed.

The petition is disposed of.

ANU MALHOTRA, J

NOVEMBER 27, 2017/sv

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 7

CrI. M.C. 4393/2017

AMIT TYAGI & ORS. Vs. STATE & ANR.

27.11.2017

CW-1 Statement of SI VIKAS SAHU POLICE STATION VIKAS PURI.

On S.A.

I identify the petitioners No.1 and 2 Amit Tyagi (Husband) s/o Sh. Vinod Tyagi and Smt.Kanta (Mother-in-law)W/o Sh.Vinod Tyagi and the respondent No.2 Smt.Jyoti Tyagi W/o Sh.Amit Tyagi and D/o Shri Jai Bhagwan present in Court today. There are only seven accused arrayed in the FIR No.238/2014, under Sections 498-A/406/34, Police Station Vikas Puri, namely, Amit Tyagi (Husband), Kanta (Mother-in-law), Ajit Tygai (Brother-in-law), Pinki (Sister-in-law), Alok ((Brother-in-law), Preeti (Sister-in-law) and Bharat (Brother-in-law).

RO & AC

27.11.2017

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 7

Crl. M.C. 4393/2017

AMIT TYAGI & ORS. Vs. STATE & ANR.

27.11.2017

CW-2 STATEMENT OF MS.JYOTI TYAGI, W/O AMIT TYAGI D/O SH.JAI BHAGWAN AGED 30 YEARS, R/O VILLAGE MAKANPUR, GHAZIABAD, U.P.

On S.A.

I have done B.Com and B.Ed.

I have brought my original identity card, i.e., Aadhar Card bearing No.568550751832, A photocopy of the same is directed to be filed on the record.

I have signed my affidavit dated 23.9.2017 at points A and B voluntarily of my own accord and without any duress, coercion or pressure from any quarter which is Ex.CW-2/A.

I do not oppose the petition Crl.M.C4393/2017 filed by the petitioners No.1 to 7, namely, Amit Tyagi (Husband), Kanta (Mother-in-law), Ajit Tygai (Brother-in-law), Pinki (Sister-in-law), Alok ((Brother-in-law), Preeti (Sister-in-law) and Bharat (Brother-in-law), inasmuch as I am living with the petitioners since 27.5.2016 in view of the settlement arrived at between us pursuant to which I have also received a sum of Rs.2,00,000/- from the petitioners. I have no grievance left against the petitioners No.1 to 7 and I seek to continue living with the petitioner No.1.

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

RO & AC
27.11.2017

ANU MALHOTRA, J