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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4522/2017 CRL.M.A. 18058/2017**
KESHAV KUMAR PANDEY & ORS Petitioner
Through Mr. S.K. Singh, Mr. Vikram Singh,
Advs.
versus

STATE & ANR Respondent
Through Mr. Kamal Kr. Ghei, APP for State
with IO ASI Tajram, PS Najafgarh.
Mr. Dinesh, Adv. for Complainant /
R2 with complainant / R2 in person.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **29.11.2017**

The Investigating Officer of the case has identified both the petitioners No.1 and 2, namely, Keshav Kumar Pandey and Arun Kumar Mishra present in Court today and the respondent No.2 Ms. Pushpa Pandey, i.e., the complainant of the FIR No. 239/2013, under Sections 354/451/509/323/34 IPC, 1860, Police Station Najafgarh. The Investigating Officer has submitted that the petitioners No.1 and 2 are the only accused arrayed in the above stated FIR.

Vide the present petition the petitioners seek quashing of the FIR No. 239/2013, under Sections 354/451/509/323/34 IPC, 1860, Police Station Najafgarh submitting to the effect that a settlement has been arrived at between the parties. It has also been submitted that the petitioner No.1 was her father-in-law and the petitioner No.2 was her brother-in-law and due to their temperamental differences and mental incompatibility, the marriage

between the parties could not continue and that they had sought the grant of a decree of divorce through mutual consent in terms of Section 13 B II of the Hindu Marriage Act, 1955 dated 22.11.2017 in HMA No.3238/17 Ex.CW-2/C. It has been submitted by the respondent no. 2 that she has received a total sum of Rs.8 lacs pursuant to the settlement arrived at between her and the petitioners and that a house bearing No. 76, MS Block, New Delhi was also given to her and that the respondent no. 2 i.e. the complainant Smt. Anupma w/o Sh. Manoj Tomar has signed the Compromise Deed dated 18.09.2015 voluntarily of her own accord without any duress or coercion from any quarter and that she has no opposition to the petition CRL.M.C. 4522/2017 filed by the petitioners No.1 and 2, namely, Keshav Kumar Pandey and Arun Kumar Mishra seeking quashing of the FIR No. 239/2013, under Sections 354/451/509/323/34 IPC, 1860, Police Station Najafgarh.

Learned APP for the State also in the circumstances of the case does not oppose the prayer made by the petitioner seeking quashing of the FIR No. 239/2013, under Sections 354/451/509/323/34 IPC, 1860, Police Station Najafgarh.

Taking into account the statement made by the respondent No.2 Ms. Pushpa Pandey, i.e., the complainant of the FIR No. 239/2013, under Sections 354/451/509/323/34 IPC, 1860, Police Station Najafgarh and that the marriage of the respondent no. 2 has since been dissolved by a decree of divorce in HMA No.3238/17 and thus it is considered appropriate in the interest of justice that the prayer made by the petitioner seeking quashing of the FIR No. 239/2013, under Sections 354/451/509/323/34 IPC, 1860, Police Station Najafgarh and all consequential proceedings emanating therefrom is allowed, which is thus accordingly allowed, and the FIR No.

239/2013, under Sections 354/451/509/323/34 IPC, 1860, Police Station Najafgarh and all consequential proceedings emanating therefore are quashed.

The petition is disposed of.

ANU MALHOTRA, J

NOVEMBER 29, 2017/MK

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 8

CrI. M.C. 4522/2017

KESHAV KUMAR PANDEY Vs. STATE & ANR.

29.11.2017

**CW-1 Statement of ASI TEJ RAM POLICE STATION NAJAFGARH
On S.A.**

I identify both the petitioners No.1 and 2, namely, Keshav Kumar Pandey and Arun Kumar Mishra present in Court today and the respondent No.2 Ms.Pushpa Pandey, i.e., the complainant of the FIR No. 239/2013, under Sections 354/451/509/323/34 IPC, 1860, Police Station Najafgarh. The petitioners No.1 and 2 are the only accused arrayed in the above stated FIR.

**RO & AC
29.11.2017**

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 8

Crl. M.C. 4522/2017

KESHAV KUMAR PANDEY Vs. STATE & ANR.

29.11.2017

CW-2 STATEMENT OF MS. PUSHPA PANDEY S/O LATE SH.S.K. PANDEY, AGED 32 YEARS, R/O RANAJI, M.S.BLOCK, H. NO. 76, NAJAFGARH, NEW DELHI.

On S.A.

I have brought my original identity card, i.e., Aadhar Card bearing bearing No.412129824974, a photocopy of which is Ex.CW-2/A (original seen & returned).

The certified copy of the Counselling Cell settlement dated 3.11.2015 bears my signatures at point A on each page on Ex.CW-2/B.

A settlement has been arrived at between me and the petitioners. The petitioner No.1 was my father-in-law and the petitioner No.2 was my brother-in-law. The marriage between me and Rajesh Kumar Pandey has since been dissolved vide a decree of divorce under Section 13 B II of the Hindu Marriage Act, 1955 dated 22.11.2017 in HMA No.3238/17. The certified copy of the same is on the record as Ex.CW-2/C. Pursuant to the settlement arrived at between me and the petitioners a total sum of Rs.8,00,000/- has been paid to me by Rajesh Kumar Pandey and a house bearing No. 76, MS Block, New Delhi was also given to me.

In view thereof, I do not seek any further action against the petitioners in relation to FIR No. 239/2013, under Sections 354/451/509/323/34 IPC, 1860, Police Station Najafgarh.

I thus do not oppose the prayer made vide the present petition seeking quashing of FIR No. 239/2013, under Sections 354/451/509/323/34 IPC,

1860, Police Station Najafgarh.

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

RO & AC
29.11.2017

ANU MALHOTRA, J