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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 4525/2017 and CrI.M.A. No.18069/2017

AASHRAY SAHNI

..... Petitioner

Through: Mr.Anshul Mittal, Advocate

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Mr.Ashish Dutta, APP for State with
SI Kuldeep Singh, PS Model Town
Mr.Harshit Sethi, Adv for R-2 with
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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11.12.2017

Vakalatnama on behalf of the respondent No.2 be filed during the course of the day.

Vide the present petition, the petitioner seeks quashing of the FIR No.753/2014, under Sections 354/509/506/323/34/354B IPC, 1860 Police Station Model Town submitting to the effect that pursuant to a settlement agreement/family settlement dated 17.9.2015 between the parties in relation to several litigations as detailed therein, i.e.,

- (i) Civil Suit for Partition of the Residential property B1/8, Model Town-2, Delhi being CS(OS) No.2083/2013 titled as ***Mukesh Sahni vs. Yogesh Sahni & Ors.*** pending in the High Court of Delhi.
- (ii) Civil Suit for Possession, Injunction and Mesne Profits relating to the residential property B1/8, Model Town-2, Delhi being

- CS(OS) No.443/2014 titled as ***Aschraj Lal Sahni Vs. Mukesh Sahni & Ors.*** pending in the High Court of Delhi;
- (iii) Civil Suit for partition of the property at 2402 & 2403 hardyan Singh Road, Karol Bagh being CS(OS) No.800 /2014 titled as ***Yogesh Sahni & Anr. Vs. Mukesh Sahni & Anr..*** pending in the High Court of Delhi ;
- (iv) A civil suit is also filed by the bank titled as “ICICI Bank Ltd. v. Tolia Agency” bearing Suit No.54/2014 and the same is pending before the Court of Sh. Sanjay Garg, learned ADJ, Tis Hazari Courts, Delhi in relation to a bank loan taken for purchase of a car bearing registration No.DL 1CM 2350 (Volkswagen Jetta) in which due to outstanding liability towards the said loan the bank took the car in its possession and;
- (v) and another case also under Section 12 of the Protection of Woman from the Domestic Violence Act, 2005 titled ***Ashray Sahni v. Yogesh Sahni*** having been settled with the specific averment in relation to the present FIR No.753/2014, under Sections 354/509/506/323/34/354B IPC, 1860 Police Station Model Town, having been recorded in Clause 14 of the agreement qua the FIR No.753/2014, to the effect:

“ 14. That in respect of FIR No.753/2014 registered at PS Model Town, it is agreed that in view of the fact that the disputes are within the family and all the disputes have been settled by the elders of the family and without going into the veracity of the case, Ms.Sneh Sahni, who is also a confirmatory party to the present deed, has graciously accepted

not to prosecute any further the said FIR or any other related proceedings against the First Party and others. This has also been agreed in the larger interest of the family. She has further agreed to sign the necessary papers, give statements etc. Required for the withdrawal/ quashing of the FIR and/or any other proceedings and also undertakes to make any statement and/or furnish the affidavit in the court of Law for quashing of the said FIR and withdrawal of any proceedings against the First Party and/or their family members.”

The respondent No.2, on examination, has affirmed the factum of the family settlement arrived at between the parties, the true copy of which is on the record as EXCW-1/C. The respondent No.2 on her examination in Court has also affirmed her signatures on Ex.CW-1/A, the family settlement with her signatures at point ‘A’ thereon and affirms clause 14 at page 10 of the Family Settlement dated 17.9.2015

As per the averments made in the FIR, there are allegations levelled against Mr.Yogesh Sahni (paternal uncle of the respondent No.2) and Aschraj Sahni (Grandfather of the respondent No.2) in relation to whom it has been stated by the respondent No.2 that they both have since expired and the certificates issued by the Registrar of Birth & Death Ex.CW-1/B and Ex.CW-1/C with their respective dates of death being 25.4.2016 and 20.9.2016 as placed on the record, it has been stated by the respondent No.2 that in view of the family settlement arrived at with the petitioner and other persons as detailed in the said settlement agreement, she does not oppose the prayer made by the petitioner seeking quashing of the FIR No.753/2014, under Sections 354/509/506/323/34/354B IPC, 1860 Police Station Model

Town.

The respondent No.2 is apparently an educated lady and there is no reason to disbelieve that her statement has been made without any duress or pressure from any quarter.

Learned APP for the State also does not oppose the prayer made by the petitioner.

Taking into account the statement made by the respondent No.2 and the family settlement on the record Ex.CW-1/A dated. 17.9.2015 coupled with the demise of two other persons Sh. Yogesh Sahni and Sh. Aschraj Sahni, the paternal uncle and the grandfather respectively of the respondent No.2, the payer made by the petition seeking quashing of the FIR No.753/2014, under Sections 354/509/506/323/34/354B IPC, 1860 Police Station Model Town and all consequential proceedings emanating therefrom against the petitioner are quashed.

A copy of the order be given *dasti* as prayed.

ANU MALHOTRA, J

DECEMBER 11, 2017/sv

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 4

Crl. M.C. 4525/2017

AASHRAY SAHNI Vs. STATE & ANR.

11.12.2017

CW-1 STATEMENT OF SNEH SAHANI W/O AKSHAT D/O MUKESH SAHANI AGED 27 YEARS R/O D-1/A, MODEL TOWN, DELHI-9.

On S.A.

I have brought my original Driving Licence. (original seen & returned)

The settlement agreement dated 17.9.2015 bears my signatures thereon at point A on Ex.CW-1/A which has been signed by me voluntarily of my own accord without any duress, coercion or pressure from any quarter. In view of the said settlement, I do not oppose the prayer made by the petitioner Aasharay Sahni seeking quashing of the FIR No.753/2014, under Sections 354/509/506/323/34/354B IPC, 1860 Police Station Model Town. The two other persons named in the FIR Sh.Yogesh Sahani (Paternal uncle) and Sh.Aschraj Sahni (Grandfather) both have since expired on 25.4.2016 and 20.9.2016, the certificates of their death as issued by the Sub-Registrar/Registrar of Births & Deaths are placed on the record as Ex.CW-1/B & Ex.CW-1/C respectively.

I have done my MBA in marketing. I do not oppose the prayer made by the petitioner seeking quashing of the FIR No.753/2014, under Sections 354/509/506/323/34/354B IPC, 1860 Police Station Model Town.

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

RO & AC
11.12.2017

ANU MALHOTRA, J