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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4690/2017**

HEM RAJ & ANR Petitioners
Through: Mr.Ram Kumar, Advocate

versus

STATE OF NCT OF DELHI & ANR Respondents
Through: Mr.Raghuvinder Varma, APP for
State with SI Pradeep Kumar, PS
Moti Nagar
Respondent No.2 in person.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **21.11.2017**

Vide the proceedings dated 15.11.2017, it has been observed to the effect that the charge sheet indicated that there was one more person arrayed as accused in the FIR No.198/2012, under Sections 498-A/406/34 IPC, 1860, Police Station Moti Nagar. The learned counsel for the petitioner sought time to move an application seeking impleadment of Hari Ram arrayed as accused in the said FIR. Placed on record on 17.11.2017 is an amended memo of parties seeking to bring on record the petitioner No.3 Hari Ram S/o late Sh.Bhoma Ram as petitioner No.3 to the petition.

A copy of the proposed amended memo has been supplied to the learned APP for the State.

As there are now only three persons arrayed as accused qua the FIR No.198/2012, under Sections 498-A/406/34 IPC, 1860, Police

Station Moti Nagar, in the interest of justice, proposed petitioner No.3 Hari Ram S/o Bhoma Ram is allowed to be arrayed on record as petitioner No.3 and the amended memo of parties dated 17.11.2017 is taken on record. *(It has also been submitted on behalf of the State in reply to a specific court query that seven persons were arrayed as accused out of whom four persons have already been discharged and persons arrayed as accused now are only the three petitioners arrayed in the present petition).*

Vide the present petition, the petitioner seeks quashing of the FIR No.198/2012 dated 6.9.2012 under Sections 498-A/406/34 IPC, 1860, Police Station Moti Nagar on the basis of the complaint of the complainant arrayed as the respondent No.2 to the present petition submitting *inter alia* to the effect that a settlement has been arrived at between the petitioners and the complainant/respondent No.2.

The Investigating Officer of the case is present and duly identified the petitioners No. 1 to 3 and the respondent No.2, present in the Court today.

The statement of the respondent No.2 who has produced her original Aadhar Card, the photocopy of which is Ex.CW-2/A, has been recorded.

It is brought forth on the perusal of the averments made in the petition and through the statements made by the respondent No.2 to the effect that a settlement has been arrived at between the petitioners No.1 to 3 and the respondent No.2 vide the Counselling Cell settlement dated 8.2.2017 arrived at the Family Courts North-West, Rohini Courts, and pursuant to the settlement a total sum of

Rs.5,00,000/- has been agreed to be paid to the respondent No.2 by the petitioner No.1 of which a sum of Rs.4,00,000/- has already been paid prior to the institution of the present petition and a balance sum of Rs.1,00,000/- vide a demand draft No.501981 dated 31.8.2017 drawn on ICICI Bank, Dwarka Sector-20, New Delhi in favour of the respondent No.2 has been handed over to the respondent No.2 by the petitioner No.1, the photocopy of which is on the record as Ex.CW-2/C. It has been stated by the respondent No.2, that, pursuant to the settlement Ex.CW-2/B, the minor child, namely, Master Manant is in the custody of the respondent No.2. She has further testified to the effect that she has no claims of her left against the petitioners and that she does not oppose the prayer seeking quashing of the FIR No.198/2012 dated 6.9.2012 under Sections 498-A/406/34 IPC, 1860, Police Station Moti Nagar and all other proceeding emanating therefrom.

Learned APP for the State also does not oppose the prayer made by the petitioners No.1 to 3 seeking quashing of the said FIR.

Taking into account the totality of the circumstances of the case and the fact that a settlement has been arrived at between the petitioners and the respondent No.2 before the Counselling Cell, Family Courts, North-West, Rohini Courts, Delhi and taking into account the fact that the proceedings indicated that there was matrimonial dispute which has since been settled vide a decree of divorce under Section 13(B) (2) of the Hindu Marriage Act, dated 6.9.2017 in Hindu Marriage Act, 1955 No.1457/17 of the Court of the Principal Judge (North-West), Family Courts, Rohini, Delhi, it is

considered appropriate to put a quietus to the litigation between the parties, the FIR No.198/2012 dated 6.9.2012 under Sections 498-A/406/34 IPC, 1860, Police Station Moti Nagar and all the proceedings emanating therefrom are quashed.

The petition is disposed of.

ANU MALHOTRA, J

NOVEMBER 21, 2017/sv

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 11

CrI. M.C. 4690/2017

HEM RAJ & ANR. Vs. STATE OF NCT OF DELHI & ANR.

21.11.2017

**CW-1 Statement of SI PRADEEP KUMAR, POLICE STATION MOTI
NAGAR**

On S.A.

I identify the petitioners No.1 to 3 Hemraj s/o Hari Ram, Smt.Meera Devi W/O Sh.Hari Ram and Hari Ram S/o Late Sh.Bhoma Ram respectively and the respondent No.2 Poonam present in Court today.

**RO & AC
21.11.2017**

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

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21.11.2017

CW-2 Statement of Ms.POONAM D/O SH. TARA CHAND R/O WZ-1095, BASAI DARAPUR, NEW DELHI.

On S.A.

I have brought my original identity card, i.e., Aadhar Card bearing No.904818790087, a photocopy of which is Ex.CW-2/A (original seen & returned).

I identify my signatures at points A and B on the copy of the counselling Cell settlement dated 8.2.2017 arrived at at the Family courts, North-West, Rohini Courts , Delhi. The photocopy of which is Ex.CW-2/B.

I have signed this settlement voluntarily. Pursuant to the said settlement a sum of Rs.5,00,000/- was to be paid to me by the petitioner No.1 out of which a sum of Rs.4,00,000/- has already been received by me and the balance sum of Rs.1,00,000/- has been received by me from the petitioner No.1 today in Court vide DD No.501981 dated 31.8.2017 drawn on ICICI Bank, Dwarka Sector-20, New Delhi. The photocopy of the same is on the record is Ex.CW-2/C.

The marriage between me and the petitioner No.1 has already been dissolved vide a decree of divorce under Section 13(B) (2) of the Hindu Marriage Act dated 6.9.2017 in HMA No.1457/17 of the Court of the Principal Judge (North-West), Family Courts, Rohini, Delhi. Now there are no claims of mine left against the petitioners.

I have no opposition to FIR No. 198/2012, under Sections 498-A/406/34 IPC, 1860 Police Station Moti Nagar against the petitioners No.1 to 3, namely, Hemraj s/o Hari Ram, Smt.Meera Devi W/O Sh.Hari Ram and Hari Ram S/o Late Sh.Bhoma Ram and all proceedings emanating therefrom being quashed and I do not seek any further proceedings against them in relation to the said FIR.

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

RO & AC
21.11.2017

ANU MALHOTRA, J