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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CRL.M.C. 5001/2017**

DEEPAK SETHI & ORS ..... Petitioners  
Through: Mr.Amit Satija, Advocates

versus

THE STATE GOVT OF NCT OF DELHI & ANR ..... Respondents  
Through: Mr.Kamal Kumar Ghei, APP for State  
With SI Awadh Kishore, PS  
Bindapur.

**CORAM:**  
**HON'BLE MS. JUSTICE ANU MALHOTRA**

**ORDER**

% **30.11.2017**

**Crl.M.A.No.19791/2017 (Exemption)**

Exemption allowed, subject to just exceptions.

**Crl.M.C. No.5001/2017**

Vide the present petition, the petitioner seeks quashing of the FIR No. 442/2015, under Sections 498A/406/34 Indian Penal Code, 1860, Police Station Bindapur, registered on the complaint of the respondent No.2 Ms.Shweta Jetly submitting to the effect that a settlement has been arrived at between the parties inasmuch as the marriage between the petitioner No.1 and the respondent No.2 has since been dissolved vide a decree of divorce dated 18.8.2017 under Section 13 B (2) of the Hindu Marriage Act, 1955 in HMA No. 2581/2017.

The Investigating Officer of the case is present and has duly identified the petitioners No.1 to 3 as being the accused arrayed in the

said FIR No. 442/2015, under Sections 498A/406/34 Indian Penal Code, 1860, Police Station Bindapur and the respondent No.2, i.e., the complainant of the above said FIR.

It has been stated by the respondent No.2 that she does not seek to pursue the proceedings any further against the said three petitioners in view of the settlement arrived at between her and the petitioners and the marriage between her and the petitioner No.1 has since been dissolved vide a decree of divorce dated 18.8.2017 under Section 13 B (2) of the Hindu Marriage Act, 1955 in HMA No. 2581/2017, the certified copy of which is EX.CW-2/C.

She has further testified to the effect that all her claims against the three petitioners have since been settled inasmuch as she has received a total sum of Rs.5,00,000/- previously and the balance sum of Rs.2,50,000/- has been received by her today vide a demand draft dated 590121, dated 23.8.2017 revalidated on 23.11.2017 drawn on Punjab National Bank, Vikas Puri, New Delhi. The photocopy of the demand draft is Ex.CW-2/D (original seen and returned). The respondent No.2 has further testified to the effect that she has made her statement voluntarily of her own accord without any duress, coercion or pressure from any quarter.

In the circumstances of the case, the petitioner seeks quashing of the FIR No. 442/2015, under Sections 498A/406/34 Indian Penal Code, 1860, Police Station Bindapur, and all proceedings emanating therefrom.

In view of the statement of the respondent No.2 and in view of the settlement arrived at between the petitioners and respondent No.2

and the statement made by the respondent No.2 that all her claims against the three petitioners, *namely*, Deepak Sethi, Vijay Kumar Sethi and Veena Sethi have since been resolved and no claims of hers are left against them in relation to the FIR No. 442/2015, under Sections 498A/406/34 Indian Penal Code, 1860, Police Station Bindapur and as the said FIR and all proceedings emanated therefrom are out of matrimonial discord between the petitioner No.1 and the respondent No.2 which marriage has since been dissolved vide a decree of divorce dated 18.8.2017 under Section 13 B (2) of the Hindu Marriage Act, 1955 in HMA No. 2581/2017, 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. 442/2015, under Sections 498A/406/34 Indian Penal Code, 1860, Police Station Bindapur and all the proceedings emanating therefrom against the petitioner Nos.1, 2 and 3, namely, Deepak Sethi (Husband), Vijay Kumar Sethi (Father-in-law) and Veena Sethi (Mother-in-law), are quashed.

The petition is disposed of.

**ANU MALHOTRA, J**

**NOVEMBER 30, 2017/sv**

**IN THE HIGH COURT OF DELHI: NEW DELHI**

**Item No. 45**

**CrI. M.C. 5001/2017**

**DEEPAK SETHI & ORS. Vs. STATE & ANR.**

**30.11.2017**

**CW-2 STATEMENT OF MS. SHWETA JETLY D/O SH.VIRENDER JETLY, AGED 31 YEARS, R/O I-24, ARYA SAMAJ ROAD, UTTAM NAGAR, NEW DELHI.**

**On S.A.**

I have brought my original identity card, i.e., Aadhar Card bearing bearing No.695375748534 and my driving licence No. DL-0420100113540, a photocopy of the driving licence is Ex.CW-2/A (original seen & returned).

My affidavit dated 25.11.2017 bears my signatures at point A on Ex.CW-2/B.

The marriage between me and the petitioner No.1 has since been dissolved vide a decree of divorce through mutual consent vide decree dated 18.8.2017 under Section 13 B (ii) of the Hindu Marriage Act, 1955 in HMA No.2581/2017 which decree of divorce is Ex.CW2/C.

Pursuant to the settlement arrived at between me and the petitioners No.1, 2 and 3, *namely*, Deepak Sethi, Vijay Kumar Sethi and Veena Sethi, I have received a total sum of Rs.5,00,000/- previous and the balance sum of Rs.2,50,000/- have been received by me today vide a demand draft dated 590121, dated 23.8.2017 revalidated on 23.11.2017 drawn on Punjab National Bank, Vikas Puri, New Delhi. The photocopy of the demand draft is Ex.CW2/D (original seen and returned). In view of the settlement arrived at between me and the petitioners I do not seek any further action against the petitioners No.1 to 3, *namely*, in relation to FIR No. 442/2015, under Sections 406/498-A/34 IPC, 1860, Police Station Bindapur.

I thus do not oppose the prayer made vide the present petition seeking quashing of FIR No. 442/2015, under Sections 406/498-A/34 IPC, 1860, Police Station Bindapur.

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

**RO & AC**  
**30.11.2017**

**ANU MALHOTRA, J**

**IN THE HIGH COURT OF DELHI: NEW DELHI**

**Item No. 45**

**Crl. M.C. 5001/2017**

**DEEPAK SETHI & ORS. Vs. STATE & ANR.**

**30.11.2017**

**CW-1 STATEMENT OF SI AWADH KISHORE, POILCE STATION  
BINDA PUR.**

**On S.A.**

I identify the petitioners No.1, 2, and 3, *namely*, Deepak Sethi, Vijay Kumar Sethi and Veena Sethi arrayed as accused and the respondent No.2, *namely*, Shweta Jetly, i.e., the complainant, of the FIR No. 442/2015, under Sections 406/498-A/34 IPC, 1860, Police Station Bindapur present in the Court today.

**RO & AC**

**30.11.2017**

**ANU MALHOTRA, J**