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

+ **CRL.M.C. 5046/2017**

VIKRAM & ORS

..... Petitioner

Through: appearance not given.

versus

THE STATE GOVT OF NCT OF DELHI & ANR..... Respondent

Through: Mr. Izhar Ahmad, APP for State with
SI Dharamvir Singh, PS CWC Nanak
Pura.

Mr. M.M. Agarwal, Adv. for R-2.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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01.12.2017

Vide the present petition, the petitioner seeks quashing of FIR No. 86/15 under Section 498A/406/34 of IPC, 1860, PS CWC Nanak Pura and consequential proceedings emanating therefrom. It has submitted on behalf of the petitioner that the settlement has been arrived at between the parties by decree of settlement dated 12.04.2016.

The Investigating Officer of the case is present and has identified the petitioner no. 1 to 7 on the basis of their ID proof in the form of their Aadhar Card, photocopy of which are placed on record as Ex. CW1/A to Ex. CW1/G and has also identified complainant who has produced her original election voter I Card, photocopy of which is placed on record as Ex. CW1/H. It has also stated by the Investigating Officer that apart from the petitioner no. 1 to 7 there are

no other accused in the said FIR.

The respondent No.2 has further affirmed that her signatures on the affidavit at Point A and B 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 and she has no opposition to the prayer made by the petitioners seeking quashing of the FIR in question and all the proceedings emanating therefrom.

It has also been submitted that the dispute between petitioner no.1 and respondent no.2 has been settled in view of the Memorandum of Understanding dated 12.04.2016 and the copy of the same is on the record as Ex. CW2/E which respondent no. 2 have signed at point A on each page voluntarily of her own accord and without any duress, coercion or pressure from any quarter.

It has been further testified by the respondent no.2 that she had received a sum of Rs. 2 lacs from the petitioner and the balance of Rs. 50,000/- has been paid to her during the proceeding today. On behalf of the petitioner a demand draft bearing no. 597460 for a sum of Rs. 50,000/- drawn on Syndicate Bank has been handed over to her today in court, photocopy of which is on record as Ex. CW2/C

It has also been submitted on behalf of the respondent that the marriage between her and the petitioner no.1 has since been dissolved by the decree of divorce dated 11.05.2017 in HMA No. 719/17 in the Court of the Judge, Family Court, North-West, Rohini, Delhi, copy of which is on record as Ex. CW2/D.

In view of the statement made by the respondent no.2 it appears that she has so stated voluntarily of her own accord and without any

duress, coercion or pressure from any quarter and does not oppose the prayer made by the petitioner seeking quashing of the FIR No. 86/15 under Section 498A/406/34 of IPC, 1860, PS CWC Nanak Pura and has further testified that there are no claims against the petitioner.

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 dissolved by the decree of divorce dated 11.05.2017.

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. 86/15 under Section 498A/406/34 of IPC, 1860, PS CWC Nanak Pura and all the proceedings emanating therefrom against the petitioners are quashed.

The petition is disposed of.

ANU MALHOTRA, J

DECEMBER 01, 2017/vm