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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5020/2017**

BRIJESH TARUN & ORS Petitioners
Through: Mr.R.P.Luthra and Mr.Saurabh
Luthra, Advocates

versus

STATE & ANR Respondents
Through: Mr. Kamal Kr. Ghei, APP for State
with WSI Pooja Chaudhary, PS
Mayur Vihar.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **04.12.2017**

Crl.M.A. No.19846/2017 (Exemption)

Exemption allowed, subject to just exceptions.

Crl.M.C. No.5020/2017

Vide the present petition, the petitioner seeks quashing of the FIR No.733/2015, under Sections 406/498A/34 Indian Penal Code, 1860, Police Station Mayur Vihar submitting *inter alia* to the effect that a settlement has been arrived at between the parties and the marriage between the petitioner No.1 and the respondent No.2 has since been dissolved through mutual consent vide a decree of divorce dated 28.11.2017 under Section 13 B (2) of the Hindu Marriage Act, 1955 in HMA No.1307/2017 of the Family Courts, District East, Karkardooma, which decree of divorce is Ex.CW2/D.

The Investigating Officer of the case has identified the petitioners No.1 to 3 and the respondent No.2 through the original identification proof, i.e., the Aadhaar Cards of the petitioners No.1 to 3 and the Election Commission Card of the respondent No.2 that have

been produced copies of which are on the record as Ex.CW-1/A to Ex.CW-1/D.

The respondent No.2 has testified to the effect that she has signed the affidavit dated 28.11.2017, Ex.CW-2/A of her own accord without any duress, coercion or pressure from any quarter and a settlement has been arrived at between herself and the petitioner through the Mediation Centre, Karkardooma, Delhi on dated 20.5.2017, a certified copy of the same is on the record as Ex.CW-2/B. Pursuant to the settlement arrived at between herself and the petitioners a total sum of Rs.55,00,000/- was to be paid to her by the petitioners of which a sum of Rs.40,00,000/- has been already received by her previously and the balance sum of Rs.15,00,000/- has been received by her today vide a demand draft bearing No. 059889 dated 22.11.2017 drawn on the UCO Bank in her favour, the photocopy of which is on the record as Ex.CW-2/C. Now there are no claims of her left against the petitioners.

The respondent No.2 has further testified to the effect that she does not oppose the prayer made by the petitioners No.1 to 3 seeking quashing of the FIR also and she does not seek any action against Brijesh Kumar Garg and Rachna Nainani, who are named in the FIR but have not been chargesheeted. She has *inter alia* testified to the effect that she is an MBA and works in advertising. There is no reason to disbelieve the statement made by the respondent No.2 that she has arrived at a settlement with the petitioners No.1 to 3.

Learned APP for the State also does not oppose the prayer made by the petitioners seeking quashing of the FIR in view of the

settlement arrived at between the parties.

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 resolved, 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.733/2015, under Sections 406/498A/34 Indian Penal Code, 1860, Police Station Mayur Vihar and all the proceedings emanating therefrom against the petitioner Nos. 1 to 3, namely, Brijesh Tarun (Husband), Brijesh Kumar Garg (Father-in-law) and Upma Garg (Mother-in-law), are quashed.

The petition is disposed of.

DECEMBER 04, 2017/sv

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 81

CrI. M.C. 5020/2017

BRIJESH TARUN & ORS. Vs. STATE & ANR.

4.12.2017

CW-2 STATEMENT OF MS. NUPUR GUPTA, D/O SH. JAI CHAND GUPTA R/O D-21, DRONACHARYA APARTMENT, MAYUR VIHAR, DELHI..

On S.A.

I am MBA and work in advertising.

My affidavit dated 28.11.2017 , bears my signatures at points A and B on Ex.CW-2/A.

A settlement has been arrived at between me and the petitioners. A copy thereof having been issued by the Mediation Centre, Karkardooma, Delhi Dated 20.5.2017, bears my signatures at point 'A' on Ex.CW-2/B. Pursuant to the settlement arrived at between me and the petitioners a total sum of Rs.55,00,000/- was to be paid to me by the petitioner of which a sum of Rs.40,00,000/- has been already received by me previously and the balance sum of Rs.15,00,000/- has been received by me today vide demand draft bearing No. 059889 dated 22.11.2017 drawn on UCO Bank, the photocopy of which is on the record as Ex.CW-2/C. Now there are no claims of mine left against the petitioners.

The marriage between me and the petitioner No.1 has since been dissolved vide a decree of divorce through mutual consent vide decree.

In view of the settlement dated 28.11.2017 under Section 13 B (2) of the Hindu Marriage Act, 1955 in HMA No.1307/2017 of the Family Courts, District East, Karkardooma, which decree of divorce is Ex.CW2/D arrived at between me and the petitioners, I do not seek any further action against the

petitioners No.1 to 3 *namely*, Brijesh Tarun, Brijesh Kumar Garg and Upma Garg in relation to FIR No.733/2015, under Sections 406/498A/34 Indian Penal Code, 1860, Police Station Mayur Vihar. I thus do not oppose the prayer made vide the present petition CrI.M.C. No.5020/2017 seeking quashing of FIR No.733/2015, under Sections 406/498A/34 Indian Penal Code, 1860, Police Station Mayur Vihar.

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

RO & AC
4.12.2017

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 81

Crl. M.C. 5020/2017

BRIJESH TARUN & ORS. Vs. STATE & ANR.

4.12.2017

CW-1 SI POOJA POLICE STATION MAYUR VIHAR.

ON S.A.

I identify both the petitioners No.1,2 and 3, *namely*, Brijesh Tarun, Brijesh Kumar Garg and Upma Garg as the accused and the respondent No.2 Nupur Gupta, the complainant of the FIR No.733/2015, under Sections 406/498A/34 Indian Penal Code, 1860, Police Station Mayur Vihar present in the Court today. The accused persons Brijesh Kumar Garg and Rachna Nainani, named in the above stated FIR had not been chargesheeted. The original Aadhaar Cards of the petitioners No.1 No.3909498078032, Petitioner No.2 687086469601, and Petitioner No.3 bearing 646414584944 and the Election Identity Card of the respondent No.2 bearing No.TAX2310943 have been produced. The photocopy of the same of the petitioners No.1 to 3 being Ex.CW-1/A, Ex.CW-1/B and Ex.CW-1/C and of the respondent No.2 being Ex.CW-1/D respectively (Original seen & returned.).

RO & AC
4.12.2017

ANU MALHOTRA, J