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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5054/2017**

AMIT BHANDARI & ORS Petitioners
Through: Mr.D.D. Pandey, Advocate with
petitioners in person

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents
Through: Mr. Izhar Ahmad, APP for State with
WSI Varsha, PS Defence Colony
Mr.Rama Shankar, Adv for R-2 with
R-2 in person.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **04.12.2017**

Vide the present petition, the petitioners seeks quashing of the FIR No.70/2015, under Sections 406/498A/34 Indian Penal Code, 1860, Police Station Defence Colony 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 16.10.2017 under Section 13 B (2) of the Hindu Marriage Act, 1955 in HMA No.1303/2017 of the court of the Principal Judge, Shahdara, Karkardooma, Delhi, which decree of divorce is Ex.CW2/A.

The Investigating Officer has identified both the petitioners No.1 and 2 and the respondent No.2.

At the outset, a submission has been made on behalf of the learned APP for the State that in the said FIR apart from the present two petitioners arrayed on the record there are names of Trilok Singh Bhandari (previous father-in-law) and Preeti Singh Bhandari (previous sister-in-law) of the respondent No.2 and that the petitioner seeks partial quashing of the FIR, in relation to which a submission has been made in reply to a specific court query that the respondent No.2 does not seek any action against the said Trilok Singh Bhandari and Preeti Singh Bhandari as well.

The Investigating Officer of the case has also stated that Trilok Singh Bhandari and Preeti Singh Bhandari had not been chargesheeted.

The respondent No.2 has further testified to the effect that pursuant to the settlement arrived at between the petitioners and herself a total sum of Rs.5,00,000/- was payable to her of which a sum of Rs.3,50,000/- has already been received by her previously and the balance sum of Rs.1,50,000/- was to be paid to her by the petitioners at the time of quashing of the FIR and the same has been received by her today vide a demand draft bearing No.813009, dated 28.11.2017 drawn on the Syndicate Bank, New Delhi. The photocopy of the demand draft is Ex.CW2/B.

In response to a specific court query the respondent No.2 has stated to the effect that she does not oppose the prayer made by the petitioners seeking quashing of the FIR No.70/2015, under Sections 406/498A/34 Indian Penal Code, 1860, Police Station Defence Colony. There appears no reason to disbelieve the statement made by

the respondent No.2 who has made her statement of her own accord and without any duress or coercion from any quarter.

Taking into account the factum that the FIR is stated to have been registered out a matrimonial discord between the petitioner No.1 and the respondent No.2 which has since been resolved in view of the dissolution of the marriage through mutual consent vide a decree of divorce dated 16.10.2017 under Section 13 B (2) of the Hindu Marriage Act, 1955 in HMA No.1303/2017 of the Court of the Principal Judge, Shahdara, Karkardooma, Delhi and in view of the verdicts 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 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, the FIR No.70/2015, under Sections 406/498A/34 Indian Penal Code, 1860, Police Station Defence Colony and all the proceedings emanating therefrom against the petitioner Nos. 1 and 2, Amit Bhandari and Pushpa Bhandari and also against Trilok Singh Bhandari and Preeti Singh Bhandari are quashed.

The petition is disposed of.

ANU MALHOTRA, J

DECEMBER 04, 2017/sv

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 70

CrI. M.C. 5054/2017

AMIT BHANDARI & ORS. Vs. STATE & ANR.

04.12.2017

CW-2 STATEMENT OF MS. CHARU D/O RAMESH PANWAR, AGED 30 YEARS, R/O H. NO. 237, TYPE-III, SECTOR-1, SADIQ NAGAR, ANDREWSGANJ, NEW DELHI.

On S.A.

The marriage between me and the petitioner No.1 has since been dissolved vide a decree of divorce through mutual consent vide decree dated 16.10.2017 under Section 13 B (2) of the Hindu Marriage Act, 1955 in HMA No.1303/2017 which decree of divorce is Ex.CW2/A.

Pursuant to the settlement arrived at between me and the petitioners No.1 and 2, *namely*, Amit Bhandari and Pushpa Bhandari, a total sum of Rs.5,00,000/- was to be paid to me by the petitioner of which a sum of Rs.3,50,000/- has already been received by me previously and the balance sum of Rs.1,50,000/- have been received by me today vide a demand draft bearing No.813009, dated 28.11.2017 drawn on the Syndicate Bank, New Delhi. The photocopy of the demand draft is Ex.CW2/B (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 and 2, in relation to FIR No.70/2015, under Sections 406/498A/34 Indian Penal Code, 1860, Police Station Defence Colony. I do not seek any further action against Trilok Singh Bhandari and Preeti Singh Bhandari, named in the above stated FIR who had not been chargesheeted.

I thus do not oppose the prayer made vide the present petition CrI.M.C. No.5054/2017 seeking quashing of FIR No.70/2015, under

Sections 406/498A/34 Indian Penal Code, 1860, Police Station Defence Colony.

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. 70

CrI. M.C. 5054/2017

AMIT BHANDARI & ORS. Vs. STATE & ANR.

04.12.2017

**CW-1 SI VARSHA POLICE STATION DEFENCE COLONY
ON S.A.**

I identify both the petitioners No.1 and 2, *namely*, Amit Bhandari and Pushpa Bhandari arrayed as the accused and the respondent No.2 Charu, the complainant of the FIR No.70/2015, under Sections 406/498A/34 Indian Penal Code, 1860, Police Station Defence Colony present in the Court today. The accused persons Trilok Singh Bhandari and Preeti Singh Bhandari, named in the above stated FIR had not been chargesheeted. The original Aadhaar Cards of the petitioners No.1 and 2 bearing Nos.959376905107 and 883318115137 and the respondent No.2 bearing No.883523200036 have been produced. The photocopy of the same of the petitioners No.1 and 2 being Ex.CW-1/A, Ex.CW-1/B and of the respondent No.2 being Ex.CW-1/C respectively (Original seen & returned.).

**RO & AC
4.12.2017**

ANU MALHOTRA, J