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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5036/2017 & CRL.M.A. 19896/2017**

MAHIPAL & 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 Ram Naresh, PS South-West
Delhi.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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01.12.2017

Crl.M.A. No. 19896/2017 (Exemption)

Exemption allowed, subject to just exceptions.

Crl.M.C. No.5036/2017

Vide the present petition, the petitioner seeks quashing of FIR No. 468/2008 PS South-West Delhi under Section 498A/406/34 of IPC, 1860 and all consequential proceedings emanating therefrom. It has been submitted on behalf of the petitioner that there is no child born out of the wedlock. It has further been submitted on behalf of the petitioner that the marriage between the petitioner no.1 and respondent no.2 has since been dissolved vide the decree of divorce dated 11.12.2015 passed in the Court of Principal Judge (North-West), Family Courts, Rohini, Delhi.

The Investigating Officer of the case is present and has

identified the petitioner no. 1 to 5 as being the only accused in the FIR No. 468/2008 and also identified the respondent No.2 present in the Court today being the complainant of the said FIR.

The respondent No.2 has produced her original Aadhar Card and photocopy of which is placed on record as Ex. CW1/F. The respondent No.2 has further affirmed her signatures on the affidavit at Point A and B on Ex. CW-2/A annexed with the petition having 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.

She has further stated that she has so stated voluntarily of her own accord and without any duress, coercion or pressure from any quarter and does not seek any further proceedings against the petitioner. The certified copy of the proceedings dated 11.12.2015 of Principal Judge (North-West), Family Courts, Rohini, Delhi in HMA No. 1062/15 are placed on record as Ex. CW2/B.

Learned APP for the State in the circumstances does not oppose the prayer.

In view of the statement made by the respondent no.2, there is no reason to disbelieve her statement that she has so stated voluntarily of her own accord and without any duress, coercion or pressure from any quarter and has further testified that there are no claims against the petitioner.

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 terms of the matrimonial discord which has since been resolved in view of the decree of divorce through mutual consent under Section 13B(2) of Hindu Marriage Act dated 11.12.2015 in HMA No.1062/15 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. 468/2008 under Section 498A/406/34 of IPC, 1860, PS South-West Delhi and all the consequential proceedings emanating therefrom against the petitioners are quashed.

The petition is disposed of.

ANU MALHOTRA, J

DECEMBER 01, 2017

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