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

+ **CRL.M.C. 5144/2017**

MUKESH @ LAVKUSH & ORS

..... Petitioners

Through: Mr. Rajesh Bansal with Mr. Prabhat
Saini, Advocate along with P-1 to 7
In person.

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through: Mr. Panna Lal Sharma, APP for State
R-2, in person.
SI Prem Raj, PS Vijay Vihar. Rohini

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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08.12.2017

The statement of the IO has been recorded separately

The IO of the case is present and has identified the respondent no.2, present in the Court today being the complainant of the FIR No. 722/2013 under sections 498A/406/34 IPC, 1860.

The petitioners and the respondent no. 2 Ms. Bhawna have produced their original Aadhar cards, copy of which are placed on record as Ex. CW-1/A to 1/G. (original seen and returned).

Vide the present petition, the petitioners seek quashing of the FIR No. 722/2013, under Sections 498A/406/34 IPC, 1860 PS Vijay Vihar, Rohini District, submitting inter alia to the effect that the petitioners have since amicably settled the matter with the respondent no.2 as a consequence of which it has also been submitted that the settlement agreement is pursuant to mediation vide Mediation

Settlement dated 30.5.2014, the copy of which is placed on record as Ex. CW-2/B, which the respondent no.2 had signed voluntarily and without any duress, coercion or pressure from any quarter.

The respondent no.2 in reply to specific Court query has submitted that she does not oppose the prayer made by the petitioner seeking quashing of the FIR and does not wish the petitioners to be punished inasmuch she is living with the petitioner no.1 without any problems now.

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

In view of the statement made by respondent no. 2 duly identified by the IO of the case and taking into account the factum that the FIR is indicated to be registered in view of the matrimonial discord between the petitioner no.1 and the respondent no.2 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. 722/2013 under Sections 498A/406/34 IPC, 1860 PS Vijay Vihar, Rohini District and all the proceedings emanating therefrom against the petitioner no. 1 Shri Mukesh, petitioner no. 2 Shri Ramesh Chander Vaishnav, petitioner no.3 Smt.

Vijay Kumar, petitioner no.4 Smt. Nutan, petitioner no.5 Shri Durgesh, petitioner no.6 Smt. Laxmi, petitioner no.7 Shri Naresh are quashed.

The petition is disposed of.

ANU MALHOTRA, J.

DECEMBER 08, 2017/P

Item no. 53

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8.12.2017

STATEMENT OF SI, : PREM RAJ, PS VIJAY VIHAR, ROHINI DISTRICT, ON SA

I identify the petitioner nos. 1 to 7 ; Sh. Mukesh @ Lavkush, Sh. Ramesh Chander Vaishnav, Smt. Vijay Kumar, Smt. Nutan, Sh. Durgesh, Smt. Laxmi & Sh. Naresh and respondent no. 2 – Ms. Bhawna, all present in Court on whose complaint the FIR No. 722/2013 under Sections 498A/406/34 IPC, 1860 PS Vijay Vihar, Rohini District, was registered.

R.O. & A.C.

DECEMBER 8, 2017

ANU MALHOTRA, J.

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STATEMENT OF CW-2, MS. BHAWNA, W/O. MUKESH @ LAVKESH, AGED 24 YEARS, D/O. LATE RAVINDER KUMAR, R/O. AVANTIKA, SECTOR: 1, B-951, ROHINI, DELHI ON S A.

I have brought my original Aadhar Card, copy of which is Ex. CW-1/A (original seen and returned). I have studied up to Xth standard.

The Mediation settlement/agreement dated 30.5.2014 bears my signatures thereon at point A on each page which is Ex. CW-2/B. I am living with the petitioner no.1 for the last four years now and there are no problems. I want to continue to live with the petitioner no.1. I have no problems now and thus do not press the prayers made by the petitioners no.1 to 7 ; Mukesh @ Lavkush, Ramesh Chander Vaishnav, Smt. Vijay Kumar, Nutan, Durgesh, Laxmi & Naresh seeking quashing of the FIR No. 722/2013 under Sections 498A/406/34 IPC, 1860 PS Vijay Vihar, Rohini District, and all the consequential proceedings emanating there from.

R.O. & A.C.

DECEMBER 8, 2017

ANU MALHOTRA, J.