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

+ CRL.M.C. 5122/2017

GOUTAM SINGOR @ GAUTAM SANGAT Petitioner

Through Mr. Chaman Lal, Adv.

Versus

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

Through Mr. Ashish Dutta, APP for the State
ASI Rajinder Singh, PS Tilak Nagar
Respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

07.12.2017

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Crl. M.A. No. 20188/2017 (Exemption)

Exemption allowed, subject to just exceptions.

Crl.M.C. No.5122/2017

Vide the present petition the petitioner seeks quashing of FIR No.370/2013 under Sections 498A/406/34 IPC registered at P.S. Tilak Nagar and all other consequential proceedings emanating therefrom submitting to the effect that a settlement has since been arrived at the petitioner and respondent No.2 and also between father of respondent No.2 Nand Kishore Tamoli and Mr. Kamal Lot, brother-in-law of respondent No.2.

The Investigating Officer of the case who is present in Court

has identified both the petitioner and respondent No.2 who are present in Court today. They have also brought their original Aadhar cards copy of which are marked as Ex.CW1/A and Ex.CW1/B. (Original seen and returned).

The respondent No.2 has testified to the effect that she has signed the affidavit dated 5.12.2017, Ex.CW-2/A at point A and B. She further stated that pursuant to the mediation settlement dated 11.9.2017 arrived at between the petitioner and respondent No.2 and also between father of respondent No.2 Nand Kishore Tamoli and Mr. Kamal Lot, brother-in-law of respondent No.2 before Delhi Mediation Centre, Tis Hazari Courts, Delhi placed on record bears her signatures at point 'A' copy which has been placed on record. Pursuant to the mediation settlement a sum of Rs.1,50,000/- has been received by her against all her claims against the petitioners. In terms of the settlement the marriage between the petitioner and respondent No.2 has been dissolved vide a decree of divorce through mutual consent vide decree dated 14.11.2017 under Section 13 B (2) of the Hindu Marriage Act, 1955 in HMA No.1579/2017 of the Family Court, West, Tis Hazari which decree of divorce is Ex.CW2/C. It has also been agreed between the petitioner and the respondent no. 2 that the minor child born out of their wedlock, Master Kaustav @ Tejas who is in the custody of respondent No.2 shall continue to remain in her custody. She further affirmed to the effect that no claims of hers are left against the petitioner and she has made her statement of her own accord without any duress, coercion or pressure from any quarter. She further stated that she has no objection to the prayer

made by the petitioner seeking quashing of the FIR No.370/2013 under Sections 498A/406/34 IPC registered at P.S. Tilak Nagar and all other consequential proceedings emanating therefrom and that she also does not seek the prosecution of the FIR qua any persons named in the FIR namely Ramesh Sangat, Susila Devi, Kamal Lot and Rakhi. She stated that she is a graduate and had made her statement voluntarily of her own accord without any duress or coercion from any quarter.

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 who has been 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 their minor son Master Kaustav @ Tejas and in the society, in view thereof the FIR No.370/2013 under Sections 498A/406/34 IPC registered at P.S. Tilak Nagar and all the proceedings emanating therefrom against the petitioner and all other

persons named in the aforesaid FIR are quashed.

The petition is disposed of.

ANU MALHOTRA, J

DECEMBER 07, 2017

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