

\$~52

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5166/2017**

JITENDER

..... Petitioner

Through: Mr.Dinesh Kumar, Advocate

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Through: Mr.Izhar Ahmad, APP for State with
SI Amit Kumar, PS Ambedkar Nagar.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

%

11.12.2017

Vide the present petition, the petitioner seeks quashing of the FIR No.998/2015, under Sections 498-A/406/34 IPC, 1860 at Police Station Ambedkar Nagar submitting to the effect that a settlement has been arrived at between the petitioner and the respondent No.1 vide the Memorandum of Understanding dated 19.11.2015 whereby the petitioner and the respondent No.2 along with their two children are living together.

The Investigating Officer, present in the Court has identified the petitioner and the respondent No.2 and also stated that apart from the petitioner, Jagjivan (father-in-law) and Suman (mother-in-law) of the respondent No.2 are also arrayed as accused in the FIR.

The respondent No.2, on examination by the Court has affirmed to having signed the Memorandum of Understanding Ex.CW-1/C and the affidavit Ex.CW-1/D voluntarily of her own accord without any

duress or pressure from any quarter and stated that for the last two years she has been living with the petitioner and there are no problems. She further testified to the effect that there are two children aged 5 ½ years and 4 years and the parents-in-laws, i.e., Jagjivan (father-in-law) and Suman (mother-in-law) are living in the village and they make the payment of their maintenance. Respondent No.2 has further testified to the effect that she wants to continue to live with the petitioner and does not oppose the prayer made by the petitioner seeking quashing of the FIR No.998/2015, under Sections 498-A/406/34 IPC, 1860 at Police Station Ambedkar Nagar against him and in the circumstances of the case, she does not seek the prosecution against Jagjivan (father-in-law) and Suman (mother-in-law).

In view thereof, there appears no reason to disbelieve the statement made by the respondent No.2 that she has arrived at a settlement with the petitioner voluntarily of her own accord without any duress or pressure from any quarter and living with the petitioner along with their two children.

Learned APP for the State in the circumstances does not oppose the prayer seeking quashing of the FIR.

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 and also to maintain peace and harmony between the parties and in the society, the FIR No. 998/2015, under Sections 498-A/406/34 IPC Police Station Ambedkar Nagar and all the proceedings emanating therefrom against the petitioner and parents-in-laws of the respondent No.2, i.e., Jagjivan and Suman arrayed as accused in the FIR are quashed.

The petition is disposed of.

ANU MALHOTRA, J

DECEMBER 11, 2017/sv

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 52

CrI. M.C. 5166/2017

JITENDER Vs. STATE & ANR.

11.12.2017

**CW-2 SI AMIT KUMAR POLICE STATION AMBEDKAR NAGAR
ON S.A.**

I identify both the petitioners No.1Jitendra as the accused and the respondent No.2 Urmila, the complainant of the FIR No.998/2015, under Sections 498-A/406/34 IPC, 1860 at Police Station Ambedkar Nagar present in the Court today. Apart from the petitioner, Jitendra, Jagjivan and Suman named in the above stated FIR, there are no other persons arrayed as the accused in relation to the present FIR No.998/2015, 998/15 under Sections 498-A/406/34 IPC, 1860 at Police Station Ambedkar Nagar.

RO & AC

11.12.2017

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 52

CrI. M.C. 5166/2017

JITENDER Vs. STATE & ANR.

11.12.2017

CW-1 STATEMENT OF URMILA W/O JITENDER D/O SH.VISHWANATH AGED 34 YEARS, R/O 51/4, DAKSHIN PRUI, NEW DELHI.

On S.A.

I have studied till 10th Standard.

I have brought my original Aadhar Card bearing No.763727161514, the photocopy of the same is Ex.CW-1/A. The photocopy of the Aadhar Card of the petitioner Jitendra is Ex.CW-1/B. (Original seen and returned).

I had got registered an FIR No.998/15 under Sections 498-A/406/34 IPC, 1860 at Police Station Ambedkar Nagar about three years ago in 2014-15 against my in-laws, i.e., Jitendra (Husband), JagJivan (father-in-law) and Suman (mother-in-law).

For the last two years I have been living with the petitioner, i.e., my husband Jitendra S/o Jagjivan without any problems and I want to continue to live with the petitioner. I have two children who are aged about 5 ½ years and 4 years. A settlement has been arrived at between me and the petitioner. The Memorandum of Understanding between me and the petitioner Jitender bears my signatures thereon on each page at point A thereof on Ex.Cw-1/C and my affidavit annexed thereto bears my signatures at point A & B on Ex.CW-1/D.

I have no opposition to the petition filed by the petitioner bearing CrI.M.C. No.5166/2017 seeking quashing of the FIR No.998/2015, under Sections 498-A/406/34 IPC, 1860 at Police Station Ambedkar Nagar and I

do not seek the petitioner Jitender nor his parents Jagjivan (Father-in-law) and Suman (mother-in-law) to be punished or prosecuted in relation to the said FIR any further. Jagjivan (Father-in-law) and Suman (mother-in-law) arrayed as accused in the FIR are living in the village and we make the payment of their maintenance. I have made my statement voluntarily of my own accord without any duress, coercion or pressure from any quarter.

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

RO & AC
11.12.2017

ANU MALHOTRA, J