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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 5260/2017 & CRL.M.A. 18231/2015
SOHAN LAL & ORS Petitioner
Through: Mr. Vikas Bhardwaj, Adv.

versus

STATE (NCT OF DELHI) & ANR Respondent
Through: Mr. Ashish Dutta, APP for State with
ASI Jatan Swaroop, PS Krishan
Nagar.
Mr. Manmohan, Adv. for R-2.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **14.12.2017**

CRL.M.A. 18231/2015 (Exemption)

Exemption allowed, subject to just exceptions.

CRL.M.C. 5260/2017

Vide the present petition, the petitioner seeks quashing of FIR No.0168/2012, registered at PS Krishan Nagar, under Sections 354/323/34 Indian Penal Code, 1860 and all the proceedings emanating therefrom submitting *inter alia* to the effect that a settlement has since been arrived at between the petitioner no.1 Mr. Sohan Lal, petitioner no.2, Mrs. Poonam Jain, petitioner no.3 Ms. Deepika Jain, petitioner no.4 Ms. Pooja Jain, petitioner no.5 Mr. Vikas Jain, petitioner no.6 Mr. Sachin Jain and the respondent no.2 Smt. Swati Jain.

During the course of proceedings at Mediation Centre, KKD

Courts, New Delhi in Mediation No. L-180/17 dated 01.03.2017 in relation to FIR No. 253/12, PS Gandhi Nagar pursuant to which there are 8 cases settled which are detailed as follows:-

1. A case titled as Manish Jain Vs. Sohan Lal under Section 12 of Guardianship & Wards Act is pending in the Court of Sh. R.P. Pandey Ld. Principal Judge, Family Courts, Delhi.
2. A case titled as State Vs. Neeraj & Ors. bearing FIR No. 166/12, PS Krishna Nagar, under Section 323/342/34 of Indian Penal Code, 1860 is pending in the Court of Ms. Surabhi Sharma Vats, Ld. MM, KKD Courts, Delhi.
3. A case titled as State Vs. Manish Jain bearing FIR No. 147/12, PS Gandhi Nagar, under Section 498A/406 IPC is pending in the Court of Ms. Surabhi Sharma Vats, Ld. MM, KKD Courts, Delhi.
4. A case titled as State Vs. SOhan Lal & Ors., bearing FIR No. 168/12 PS Krishna Nagar under Section 354/323/34 Indian Penal Code, 1860.
5. Case titled as Manish Jain Vs. Poonam Jain bearing CC No. 52374/16, PS Gandhi Nagar, u/s 324/506/341/342/350/351/34 of Indian Penal Code, 1860 is pending in the Court of Sh. Subhash Kumar Mishra, Ld. MM, KKD Courts, Delhi.
6. Protest petition titled as 'Poonam Jain Vs. Manish Jain & Ors.' under Section 304B/498A/406/354 of Indian Penal Code, 1860, PS Gandhi Nagar, is pending in the Court of Ms. Surabhi Sharma Vats, Ld. MM, KKD Courts, Delhi.

It is informed by the parties that Shri Sachin Jain is complainant in FIR No. 166/12, PS Krishna Nagar, under Section 342/323/34 of Indian Penal Code, 1860. Shri Vikas Jain is the accused in FIR No. 168/12, PS Krishna Nagar, under Section 354/323/34 of Indian Penal Code, 1860. Smt. Swati Jain is the complainant in FIR No. 168/12, PS Krishna Nagar, under Sections 354/323/34 of Indian Penal Code, 1860.

The Investigating Officer of the case is present and has identified the petitioner no. 1 to 6 as being the only accused in the FIR No.0168/2012, PS Krishan Nagar and also identified the respondent No.2 present in the Court today who has produced her proof of identify in the form of her Aadhar Card, photocopy of which is on the record as Ex. CW1/A.

The respondent no.2 in her examination on oath by the Court has affirmed her signature on the affidavit at point-A and B on Ex.CW2/A and has also affirmed her signatures on the mediation settlement dated 01.03.2017 thereon at point-A on Ex. CW2/B which she has signed voluntarily of her own accord without any duress or coercion from any quarter. She has further stated that there are no claims of hers left against the petitioner nos. 1 to 6 and she has no opposition to the FIR No.0168/2012, registered at PS Krishan Nagar, under Sections 354/323/34 Indian Penal Code, 1860 and all the proceedings emanating therefrom in view of the settlement arrived at between the parties in relation to the 8 cases as detailed in the mediation settlement dated 01.03.2017. She stated also that she does not seek that any of the petitioners are punished.

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

A perusal of the petition and a perusal of the mediation settlement dated 1.3.2017 apparently indicates that the present FIR in question emanates from the matrimonial discord between the respondent no.2 Ms. Raveena Jain and her spouse Mr. Manish Jain and that the petitioner nos. 1 to 6 are the in-laws from the said wedlock and also indicates that the instant FIR is registered pursuant a complaint of Smt. Raveena d/o the petitioner no.2 Smt. Poonam Jain and the petitioner no.1 Shri Sohan Lal. It has been stated in the mediation settlement itself that Smt. Raveena Jain had expired on 07.05.2012 and thereafter a settlement in relation to the minor child born out of the wedlock of Mrs. Raveena Jain and Mr. Manish Jain and in relation to the other claims qua Mrs. Raveena has been arrived at between the parties in relation to the petition under Section 12 of Guardianship and Wards Act, 1890 and in relation to the FIR 166/12, PS Krishan Nagar under Sections 323/342/34 Indian Penal Code, 1860 in the case titled as **State Vs. Neeraj**, Shri Neeraj is a relative of the husband of the deceased Raveena Jain. It has further been explained that Mrs. Raveena Jain, since deceased was the sister-in-law (Devrani) of respondent no.2.

The Mediation settlement also indicates that a settlement has been arrived at between the petitioner nos.1 to 6 and the respondent no.2 in relation to the FIR No. 147/12 PS Gandhi Nagar under section 498A/406 Indian Penal Code, 1860, in relation to CC No. 52374/16, PS Gandhi Nagar and also in relation to the protest petition under

Sections 304B/498A/406/354 of Indian Penal Code, 1860 and also in the instant case, an FIR in relation to the alleged commission of offences punishable under Section 354/323/34 of Indian Penal Code, 1860 qua which the respondent no. 2 has stated that she has voluntarily settled the matter with the petitioner nos. 1 to 6.

In view of the statement made by the respondent no.2, as 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 petitioners, it is considered appropriate to put a quietus to the litigation between the parties so that the peace and harmony between them is restored in view of the settlement arrived at between the petitioner nos. 1 to 6 and the respondent no.2, FIR No.0168/2012, registered at PS Krishan Nagar, under Sections 354/323/34 Indian Penal Code, 1860 and all the proceedings emanating therefrom are thus quashed.

The petition is disposed of.

ANU MALHOTRA, J

DECEMBER 14, 2017

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CRL.M.C. 5260/2017

SOHAN LAL & ORS

Vs. STATE (NCT OF DELHI) & ANR

14.12.2017

Statement of CW2 : Smt. Swati Jain, w/o Shri Sandeep Jain, aged 37 years r/o H.No. 7563, Gali No.4 and Gali No.11, Amar Mohalla, Gandhi Nagar, Delhi.

ON S.A.

My affidavit annexed to the petition bears my signature thereon at point-A and B on Ex.CW2/A and the mediation settlement dated 01.03.2017 bears my signature thereon at point-A on Ex. CW2/B which I have signed voluntarily of my own accord without any duress or coercion from any quarter. In view of the settlement arrived at between me and the petitioner no.1 Mr. Sohan Lal, petitioner no.2, Mrs. Poonam Jain, petitioner no.3 Ms. Deepika Jain, petitioner no.4 Ms. Pooja Jain, petitioner no.5 Mr. Vikas Jain, petitioner no.6 Mr. Sachin Jain, I have no opposition to the FIR No.0168/2012, registered at PS Krishan Nagar, under Sections 354/323/34 Indian Penal Code, 1860 and all the proceedings emanating therefrom being quashed and I do not seek that the petitioner nos. 1 to 6 be punished in relation thereto.

The present petition has been filed late due to some family problems and I do not oppose the prayer made by the petitioners seeking quashing of the said FIR despite delay in the institution of the present petition which had to be filed within 3 months from the date 10.03.2017 as per the clause 6 of the mediation settlement

There are no claims of mine left against the petitioner nos. 1 to 6 in relation to the said FIR.

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

ANU MALHOTRA, J

**RO & AC
DECEMBER 14, 2017**

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CRL.M.C. 5260/2017

SOHAN LAL & ORS

Vs. STATE (NCT OF DELHI) & ANR

14.12.2017

STATEMENT Of CW1 : ASI JATAN SWAROOP, PS KRISHAN NAGAR, DELHI.

ON S.A.

I identify the petitioner no.1 Mr. Sohan Lal, petitioner no.2, Mrs. Poonam Jain, petitioner no.3 Ms. Deepika Jain, petitioner no.4 Ms. Pooja Jain, petitioner no.5 Mr. Vikas Jain, petitioner no.6 Mr. Sachin Jain as being the only accused in FIR No.0168/2012, registered at PS Krishan Nagar, under Sections 354/323/34 Indian Penal Code, 1860 and I also identify the respondent no. 2 Mrs. Swati Jain, the complainant of the said FIR in question present today in court. Photocopy of the Aadhar Card of the respondent no.2 is on the record as Ex. CW1/A. (original seen and returned).

ANU MALHOTRA, J

RO & AC

DECEMBER 14, 2017