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

+ CRL.M.C. 4425/2015

MOHAN LAL

..... Petitioner

Through: Mr. Vikas Padora, Adv.

versus

STATE (NCT) OF DELHI & ANR

..... Respondent

Through: Mr. Panna Lal Sharma, APP for State
with SI Seema PS Ashok Vihar.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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07.12.2017

Vide the present petition, the petitioner seeks quashing of FIR No. 726/2004 PS Ashok Vihar, Delhi under Section 498A/406/34 of IPC, 1860 and all consequential proceedings emanating therefrom. It has been submitted on behalf of the respondent no.2 that there is no child born out of the wedlock and it was further submitted that a settlement had since been arrived at between the respondent no.2 and the petitioner. It has been submitted on behalf of the petitioner that the marriage between him and respondent no.2 has since been dissolved vide the decree of divorce dated 30.05.2006 in HMA No. 278/06 passed in the Court of Additional District Judge, Delhi, certified copy of the same is on the record as Ex. CW2/B.

The Investigating Officer of the case is present and has identified the petitioner as being the only accused in the FIR No.

726/2004. The petitioner has produced his identify in the form of Aadhar Card, copy of which is on the record as Ex. CW1/A. The Investigating Officer has 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 election voter I Card and photocopy of which is directed to be filed on record. In her examination on oath she has stated to the effect that in view of the settlement arrived at between her & the petitioner and as per the joint statement dated 25.05.2006 recorded in HMA No. 278/06 in the Court of ADJ, Delhi a total sum of Rs. 35,000/- was to be paid to her by the petitioner in lieu of all her matrimonial claims and disputes with regard to dowry, istridhan, maintenance and permanent alimony etc., out of which Rs. 30,000/- had already been paid by the petitioner and the balance of Rs. 5,000/- was to be paid to the respondent no.2 at the time of getting the FIR No. 726/2004 PS Ashok Vihar quashed which was paid to her today in Court. The respondent no.2 thus submits that she has now no claims left against the petitioner Shri Mohanlal. Copy of the joint statement of petitioner and the respondent no.2 in HMA No. 278/06 is on the record as Ex. CW2/A.

Respondent no.2, the complainant of FIR further stated that she does not seek any prosecution against Ms. Kanchan Devi, w/o Tarsem Lal, Ms. Saravjeet Kaur, w/o Kashmir Singh, Ms. Vimla Devi, w/o late Tulsi Ram, Mr. Tarsem Lal s/o late Tulsi Ram, Mr. Mohan Lal, s/o late Tulsi Ram, Mr. Narender Kumar, s/o late Tulsi Ram.

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.

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

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 dissolved in view of the decree of divorce through mutual consent under Section 13B(2) of Hindu Marriage Act dated 25.05.2006 in HMA No. 278/06.

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. 726/2004 under Section 498A/406/34 of IPC, 1860, PS South-West Delhi and all the consequential proceedings emanating therefrom against the petitioner Ms. Kanchan Devi, w/o Tarsem Lal, Ms. Saravjeet Kaur, w/o Kashmir Singh, Ms. Vimla Devi, w/o late Tulsi Ram, Mr. Tarsem Lal s/o late Tulsi Ram, Mr. Mohan Lal, s/o late Tulsi Ram, Mr. Narender Kumar, s/o late Tulsi Ram are quashed.

The petition is disposed of.

ANU MALHOTRA, J

DECEMBER 07, 2017

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