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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1680/2018 & CRL.M.A. 6063/2018**

AJAY YADAV & ORS Petitioners
Through: Ms.Priya Hingorani & Mr. Himanshu
Yadav, Advocates.
versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents
Through: Mr. Kamal Kumar Ghei, APP for
State with Sub Insp. Manish Yadav,
PS Vasant Kunj Vihar.
R-2 in person.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **06.04.2018**

Vide the present petition, the petitioners seek quashing of the FIR No. 132/2012, PS Vasant Kunj North, under Sections 498-A/406/120-B of the Indian Penal Code, 1860 which as per the FIR in question on the record is indicated to be one registered under Sections 498-A/406/34 of the Indian Penal Code, 1860 and thus this petition shall be read to that effect submitting to the effect that a settlement has been arrived at between the petitioners and the respondent no. 2 and that the marriage between the petitioner no. 1 and the respondent no. 2 has since been dissolved by a decree of divorce through mutual consent and all disputes between the petitioners and the respondent no. 2 have been amicably settled pursuant to a mediation settlement dated 23.11.2016 arrived at Delhi

High Court Mediation & Conciliation Centre.

The Investigating Officer of the present case is present today in the Court and has identified the petitioner no. 1 Cdr. Ajay Yadav, petitioner no. 2 Col. Daya Ram Yadav and petitioner no. 3 Mrs. Urmila Yadav as being the three accused arrayed in the FIR No. 132/2012, PS Vasant Kunj North, under Sections 498/406/34 Indian Penal Code, 1860 and has also identified the respondent no.2, Ms. Manjusha Mahajan present today in Court as being the complainant of the said FIR. The petitioner no. 1 has produced his original Driving Licence bearing no. HR2619930159, photocopy of which be placed on the record. The proofs of identity of the petitioner nos. 2 & 3 and of the respondent no. 2 in the form of photocopies of their Aadhar Cards are on the record as Ex. CW1/A, Ex. CW1/B & Ex. CW1/C respectively, originals of which have been seen and returned.

The respondent no. 2 in her examination on oath by the Court has affirmed having sworn her affidavit Ex. CW2/B annexed to the petition voluntarily of her own accord without any duress, coercion or pressure from any quarter. She has further testified to the similar effect that she has signed the mediation settlement agreement dated 23.11.2016 arrived at the Delhi High Court Mediation & Conciliation Centre, copy of which is on the record as Ex. CW2/C. She has further testified to the effect that the marriage between her and the petitioner no. 1 has since been dissolved by a decree of divorce through mutual consent on 08.09.2017 in HMA No. 761/17 of the Court of the Principal Judge, Family Court, Patiala House Courts, copy of which

decree sheet is on the record as Ex. CW2/A.

She has further submitted that in terms of the settlement arrived at between her and the petitioners, a total sum of Rs. 20,00,000/- was to paid to her by the petitioners in the name of her minor child namely Sahil Yaduvanshi born out of the wedlock between her and the petitioner no. 1, out of which a sum of Rs. 12,00,000/- has been received by her previously and a balance sum of Rs. 8,00,000/- has now been handed over to her vide a Manager's Cheque bearing No. 012477 dated 04.04.2018 drawn on the HDFC Bank in the name of Sahil Yaduvanshi as his guardian, photocopy of the same is on the record as Ex. CW2/D. She has further submitted that there are now no claims of hers left against the petitioners and submitted that she does not oppose the prayer made by the petitioner no. 1 Cdr. Ajay Yadav, petitioner no. 2 Col. Daya Ram Yadav and petitioner no. 3 Mrs. Urmila Yadav seeking quashing of the FIR No. 132/2012, PS Vasant Kunj North, under Sections 498A/406/34 Indian Penal Code, 1860 nor does she want the petitioners to be punished in relation thereto in view of the settlement arrived at between her and the petitioners. She has further testified to the effect that she is a graduate and works as a Senior Manager in a private company.

On behalf of the State, there is no opposition to the prayer made by the petitioners seeking quashing of the FIR in question in view of the settlement arrived at between the parties.

On consideration on the testimony of the respondent no. 2,

non-opposition on behalf of the State and the settlement arrived at between the parties as per settlement agreement dated 23.11.2016, the resolution of the matrimonial discord between the petitioner no. 1 and the respondent no. 2, in view of the dissolution of the marriage between the petitioner no. 1 and the respondent no. 2 vide a decree of divorce through mutual consent on 08.09.2017 in HMA No. 761/17 of the Court of the Principal Judge, Family Court, Patiala House Courts and as there appears no reason to disbelieve the statement of the respondent no. 2 that she has arrived at a settlement with the petitioners voluntarily, it is considered appropriate for the maintenance of peace and harmony between the petitioners and the respondent no. 2 and for the well being of the minor child born out of the wedlock between the petitioner no. 1 and the respondent no. 2 to put a quietus to the litigation between the parties.

In view thereof, the FIR No. 132/2012, PS Vasant Kunj North, under Sections 498A/406/34 Indian Penal Code, 1860 against the petitioner no. 1 Cdr. Ajay Yadav, petitioner no. 2 Col. Daya Ram Yadav and petitioner no. 3 Mrs. Urmila Yadav and all consequential proceedings emanating therefrom are quashed.

ANU MALHOTRA, J

APRIL 06, 2018
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CRL.M.C. 1680/2018
AJAY YADAV & ORS.
Vs. STATE & ANR

**Statement of CW1 : SI MANISH YADAV, PS VASANT KUNJ
NORTH, DELHI.**

ON S.A.

I identify the petitioner no. 1 Cdr. Ajay Yadav, petitioner no. 2 Col. Daya Ram Yadav and petitioner no. 3 Mrs. Urmila Yadav as being the three accused arrayed in the FIR No. 132/2012, PS Vasant Kunj North, under Sections 498/406/34 Indian Penal Code, 1860. I also identify the respondent no.2, Ms. Manjusha Mahajan present today in Court as being the complainant of the said FIR. The petitioner no. 1 has produced his original Driving Licence bearing no. HR2619930159, photocopy of which be placed on the record. The proofs of identity of the petitioner nos. 2 & 3 and of the respondent no. 2 in the form of photocopies of their Aadhar Cards are on the record as Ex. CW1/A, Ex. CW1/B & Ex. CW1/C respectively. (Originals seen and returned.)

ANU MALHOTRA, J

**RO & AC
APRIL 06, 2018**

Statement of CW2 : Ms. Manjusha Mahajan, d/o Sh. M.L.Mahajan, aged 42 years, r/o C-4/4025, Vasant Kunj, New Delhi.

ON S.A.

I do not oppose the prayer made by the petitioner no. 1 Cdr. Ajay Yadav, petitioner no. 2 Col. Daya Ram Yadav and petitioner no. 3 Mrs. Urmila Yadav seeking quashing of the FIR No. 132/2012, PS Vasant Kunj North, under Sections 498/406/34 Indian Penal Code, 1860 nor do I want the petitioners to be punished in relation thereto in view of the settlement arrived at between me and the petitioners.

The marriage between me and the petitioner no. 1 has since been dissolved by a decree of divorce through mutual consent on 08.09.2017 in HMA No. 761/17 of the Court of the Principal Judge, Family Court, Patiala House Courts, copy of which decree sheet is on the record as Ex. CW2/A.

My affidavit annexed to the petition bears my signature thereon at points-A & B on Ex.CW2/B, which I have signed voluntarily of my own accord without any duress, pressure or coercion from any quarter. The settlement agreement dated 23.11.2016 arrived at the Delhi High Court Mediation & Conciliation Centre bears my signatures as visible thereon on each page thereof on Ex. CW2/C and I have it voluntarily of my own accord without any duress, coercion or pressure from any quarter. In terms of the settlement arrived at between me and the petitioners, a total sum of Rs.

20,00,000/- was to paid to me by the petitioners in the name of my minor child namely Sahil born out of the wedlock between me and the petitioner no. 1, out of which a sum of Rs. 12,00,000/- has been received by me previously and a balance sum of Rs. 8,00,000/- has now been handed over to me vide a Manager's Cheque bearing No. 012477 dated 04.04.2018 drawn on the HDFC Bank in the name of Sahil Yaduvanshi as his guardian, photocopy of the same is on the record as Ex. CW2/D. There are now no claims of mine left against the petitioners.

I am a graduate and work as a Senior Manager in a private company.

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

ANU MALHOTRA, J

**RO & AC
APRIL 06, 2018**