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

+ **CRL.M.C. 1833/2018**

AMIT BHATNAGAR & ORS.

..... Petitioners

Through: Mr. Vivek Aggarwal, Adv.
Petitioners no.2 and 3 in person.
Petitioner no.2 present in Court being
SPA Holder of petitioner no.1

versus

STATE (GOVT. OF NCT OF DELHI) & ANR. Respondents

Through: Mr. Kamal Kr. Ghei, APP for State.
Mr. Sunil Chaudhary, Adv. for R-2.
Insp. Aditya Lily, PS Dwarka South.
Respondent No.2, Smt.Meena Bhagat,
Special Power of Attorney of
Smt. Surabhi Bhagat is present.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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13.04.2018

Vide the present petition, the petitioner seeks quashing of FIR No.118/2011 registered under Sections 406/498-A, Indian Penal Code, 1860, PS CAW Nanak Pura, New Delhi submitting to the effect that a settlement has been arrived at between the parties amicably and that there are no disputes left between them. As the petition on behalf of the petitioner no.1 was filed through the SPA Holder petitioner no.2, and as the spouse of the petitioner no.1, Smt. Surabhi Bhagat was also represented by the respondent No.2, her mother as the SPA

holder of Respondent No.2, vide direction dated 12.4.2018 the verification report was called for through the State in relation to which the verification report has been submitted as testified by the Investigating Officer of the case also in the form of e-mails received by the Delhi Police from the petitioner No.1 and from Smt. Surabhi Bhagat affirming the execution of the Special Power of Attorney by the petitioner No.1 in favour of his father is on record. Petitioner No.2 Mr. Surender Prasad Bhatnagar and by the mother of Surabhi Bhagat, Smt. Meena Bhagat arrayed on record as respondent no.2. The e-mails received officially by the Delhi Police are placed on record as Ex.CW1/B to CW1/D with the SPA in favour of Smt. Meena Bhagat, Ex.CW2/B and the verification report submitted by the SHO Nanak Pura in relation to the execution of the SPA on record as Ex.CW2/A. The SPA in favour of Meena Bhagat is on record as Ex.CW2/C and she has also testified to it having been executed by her daughter Smt. Surabhi Bhagat and executed as Ex.CW2/B.

The petitioners no. 1 and 2 and the respondent no.2 have produced proof of the identity in the form of documents of identification produced by them which are on record and the Investigating Officer has also identified the photograph of the petitioner no.1 annexed with the petition as being the person named as Amit Bhatnagar. As per the averments made in the FIR apart from the petitioner no.1 to 3 arrayed on record, there is one more person

Sh. Anuj Bhatnagar who is arrayed as an accused in the FIR in relation to which it is submitted on behalf the petitioners and by the respondent No.2 and on behalf of the State that Sh. Anuj Bhatnagar has since been discharged.

In view of the identification of the petitioners and the respondent no.2 and the verification of the power of attorneys in favour of Mr. Surender P. Bhatnagar and in favour of Smt. Meena Bhagat, the matter has been taken up for consideration.

The statement of the respondent No.2, Smt. Meena Bhatnagar, special power of attorney holder of Smt. Surabhi Bhagat has been recorded. Vide her deposition, the respondent no.2 on oath has affirmed having sworn her affidavit, Ex.CW2/A in support of all the averments made in the petition and as also testified to the effect that the settlement has since been arrived at between the petitioner and the respondent No.2 at the Delhi High Court Mediation and Conciliation Centre on 6.4.2018 in which too the details thereof indicate that the participation in the same was by Ms. Surabhi Bhagat through the respondent no.2, Ms. Meena Bhagat and the petitioner no.1 through the General power of attorney, his father Sh. Surender P. Bhatnagar arrayed on record as petitioner no.2. It has also been stated by respondent no.2 that she has signed the said settlement voluntarily on behalf of her daughter placed on record as Ex.CW2/C.

Inter alia she states that the terms of settlement were to the effect that a total sum of Rs.20 lacs was to be paid to the

daughter of respondent no. 2 i.e. Smt. Surabhi Bhatnagar of which a sum of Rs.10 lacs has been paid previously and a balance sum of Rs.10 lacs has been handed over to the SPA holder of respondent no.1 in the form of the demand draft bearing no.185780 dated 11.4.2018 drawn on the Indian Bank in favour of Surabhi Bhagat, copy of which is taken on record as Ex.CWD/2. Inter alia respondent no.2 states that there are now no other claims of Ms. Surabhi Bhagat left against the petitioners. It has also been stated by respondent no.2 that in terms of the settlement agreement dated 6.4.2018 Ex. CW2/C, her daughter Ms. Surabhi Bhatnagar has agreed not to challenge the decree of divorce Ex.CW2/C dated 15.10.2013 as issued by the Federal Magistrates Court of Australia which original document was produced (seen and returned) and Ex.CW2/E is the duly apostilled by Vice Consul, Consulate General of India, Melbourne has been produced. It has also been stated by the respondent no.2 as SPA Holder on behalf of Ms. Surabhi Bhatnagar that in terms of the settlement agreement arrived at Delhi High Court Mediation and Conciliation Centre copy of which Ex.CW2/C, the decree of divorce shall not be challenged. The order dated 22.2.2011 in (P)MLC No.111/2011 under the Family Law Act, 1975 issued by the Federal Magistrates Court of Australia which is an originally apostilled document has been produced, seen and returned and copy thereof is on the record as Ex.CW2/F.

The respondent no.2 herself is a graduate and she has testified

to the effect that Surabhi Bhatnagar is her daughter on whose behalf she is present as a Special Power of Attorney and in relation to whom she, the respondent no.2 lodged the FIR No. 118/2011 registered under Sections 406/498-A, Indian Penal Code, 1860, PS CAW Nanak Pura, New Delhi.

Learned APP for the State submits that in the circumstances of the case, 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 a consideration of the deposition of the respondent No.2 there appears no reason to disbelieve the same made on behalf of her daughter Ms. Surabhi Bhagat in relation to whose harassment as stated by her she lodged the FIR No.118/2011 registered under Sections 406/498-A, Indian Penal Code, 1860, PS CAW Nanak Pura, New Delhi and there appears no reason to disbelieve her statement also that all claims have been amicably settled in terms of the Mediation settlement dated 6.4.2018.

In view thereof, no useful purpose would be served by continuance of the litigation between the parties and thus for maintenance of peace and harmony between the petitioners and the respondent no.2, it is considered appropriate in the interest of justice to put *a quietus* to the litigation in view of the verdict of the Hon'ble Supreme Court in ***Gian Singh vs. State of Punjab & Another***, (2012) 10 SCC 303 and in ***Jitendra Raghuvanshi & Ors. Vs. Babita Raghuvanshi & Anr.*** (2013) 4 SCC 58 and thus FIR No.118/2011

registered under Sections 406/498-A, Indian Penal Code, 1860, PS
CAW Nanak Pura, New Delhi against the petitioners no. 1 to 3 and
consequential proceedings emanating therefrom are also quashed.

The petition is disposed of.

ANU MALHOTRA, J

APRIL 13, 2018/ak

CRL.M.C. 1833/2018

AMIT BHATNAGAR & ORS.

VS

STATE(GOVT. OF NCT OF DELHI) & ANR

Statement of Investigating Officer Inspector Adith Lily, previously posted at PS CAW Nanak Pura, New Delhi, presently posted at PS Dwarka South.

ON S.A.

I identify the petitioner no. 2, Mr. Surender P. Bhatnagar and petitioner no.3, Smt. Kumkum Bhatnagar as being the parents of the petitioner no.1, Sh. Amit Bhatnagar as all of them having been arrayed as accused in FIR No.118/2011 under Sections 406/498-A, Indian Penal Code, 1860, PS CAW Nanak Pura, New Delhi of which I was the Investigating Officer.

I identify the respondent no.2 present today in Court as being the complainant of the said FIR and also being the SPA and mother of Ms. Surabhi Bhagat. The verification in terms of proceedings dated 12.4.2018 of the GPA, Mr. Surender P. Bhatnagar in relation to Mr. Amit Bhatnagar and of Smt. Meena Bhagat in relation to Ms. Surabhi Bhagat has been conducted by me and verification report in relation to respondent no.2 is Ex.CW1/A. The e-mail received from Mr. Amit Bhatnagar is Ex. CW1/B. Special Power of Attorney executed by Surabhi Bhagat in favour of her mother the respondent no.2 is Ex.CW1/C. The confirmation of the execution of the Special Power of Attorney by the respondent no.2 in favour of her mother as received by e-mail is Ex.CW1/D. Proof of identity of Mr. S.P.Bhatnagar

and Smt. Kumkum Bhatnagar, petitioners no. 2 and 3 and of the respondent no.2 in the form of copies of original documents produced by them as Ex.CW1/E to CW1/G . I identify the photograph of the petitioner no.1 as being that of the petitioner no.1 at point A on Ex.CW1/H.

RO & AC
APRIL 13, 2018

ANU MALHOTRA, J

CRL.M.C. 1833/2018

AMIT BHATNAGAR & ORS.

VS

STATE(GOVT. OF NCT OF DELHI) & ANR

**Statement of Meena Bhagat w/O late Sh. Navin Kumar Bhagat aged 62
years resident of W6, Greater Kailash, New Delhi
ON S.A.**

FIR No.118/2011 under Sections 406/498-A, Indian Penal Code, 1860, PS CAW Nanak Pura, New Delhi was registered against the petitioners no. 1 to 3 and against Mr.Anuj Bhatnagar on my complaint on the basis of information given to me by my daughter Surabhi Bhagat. Mr. Anuj Bhatnagar has since been discharged. A settlement has been arrived at between the petitioners and myself on behalf of my daughter as her Special Power of Attorney Holder and settlement agreement dated 6.4.2018 which bears my signatures thereon as visible at point A on each page, copy of the same is Ex.CW2/C.

My affidavit annexed to the petitioner bears my signatures thereon at points A and B on Ex. CW2/A which I have signed voluntarily under instructions from my daughter Surabhi Bhagat. A Special Power of Attorney is executed by my daughter in my favour which bears her signatures thereof on points A on each page thereof as Ex.CW2/B which I identify as I am her mother and I have seen her writing and signing ordinarily. My daughter has executed the Special Power of Attorney in my favour to act on her behalf.

In terms of the settlement arrived at between the petitioners and

myself on behalf of my daughter as her Special Power of Attorney Holder a total sum of Rs.20 lacs was agreed to be paid by the petitioners to my daughter of which Rs.10 lacs has been paid previously and a balance sum of Rs.10 lacs has now been handed over in the form of demand draft bearing No.185780 dated 11.4.2018 drawn on the Indian Bank in my daughter's name Surabhi Bhagat, photocopy of the same is filed. Photocopy of the demand draft bearing No.185780 dated 11.4.2018 is Ex.CW2/D. The marriage between Mr. Amit Bhatnagar, petitioner no.1 and my daughter Surabhi Bhagat has since been dissolved vide a decree of divorce dated 15.10.2013 from the Federal Magistrates Court of Australia. Photo copy of the order dated 22.2.2011 indicating that the marriage between the petitioner no.1 and my daughter was terminated on 22.3.2011 is on the record. The said decree attested by the Vice Consul, Consulate General of India, Melbourne and the copy of the order dated 22.2.2011 in File No. (P)MLC No.111/2011 has been produced and the copies thereof on the record are Ex.CW2/E & F on behalf of my daughter, she states that in view of the mediation settlement Ex.CW1/C dated 6.4.2018 at Delhi High Court Mediation and Conciliation Centre she does not intend to challenge this decree of divorce dated 22.2.2011 effective with effect from 23.3.2011 in relation to which the decree of divorce dated 15.10.2013 has been issued by the Federal Magistrate Court of Australia. There is no child born from the wedlock between the petitioner No.1 and my daughter.

I do not oppose the prayer that has been made by the petitioners seeking quashing of FIR No.118/2011 under Sections 406/498-A, Indian Penal Code, 1860, PS CAW Nanak Pura, New Delhi nor do I want them to be punished in relation thereto so that the peace is maintained and I have so

stated voluntarily on behalf of my daughter.

I am a graduate. My daughter is working in the Government Sector at Australia.

RO & AC
APRIL 13, 2018

ANU MALHOTRA, J