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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4688/2017 & CRL.M.A. 18658/2017**
GOMATHI SIVARAMAKRISHNAN Petitioner
Through Mr. Rajesh Rattan, Adv. with
petitioner in person.
versus
LAXMI & ANR Respondent
Through Mr. Kamal Kr. Ghei, APP for State
Mr. Sarfaraz Hussain, Adv. for R1 &
R2 with R1 and R2 in person.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **18.04.2018**

Mr. Kamal Kr. Ghei, APP for State has also assisted in the present proceedings in terms of the proceedings dated 15.03.2018 whereby the State through SHO PS Mandir Marg has been requested to assist the respondent no. 1 to get the bank account opened in her name. It is indicated through the testimony of the respondent no. 1 that such bank account has been opened and a sum of Rs.50,500/- is indicated to have been entered by NEFT transfer into the account of the witness / the respondent no. 1 on 07.04.2018 by Gomathi Swaramakrishnan i.e. the petitioner. A copy of the said passbook is Ex.CW1/A (original seen and returned). The statement of Smt. Laxmi i.e. the complainant no. 1 in the complaint case no. 61/1/15 in the Saket Courts and also of Smt. Janaki i.e. the complainant no. 2 of the said case both of whom are respondents no.1 & 2 in the present petition have been recorded.

The statement of the petitioner to the present petition, arrayed as the respondent no. 1 to the said complaint case has also been recorded.

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The statement of the Hari Hara Krishnan son of Laxmi and brother of Janaki and brother of Gomathi Swaramakrishnan has also been recorded.

All the persons examined have vouched the factum of the Family Settlement / Compromise Deed dated 02.11.2017 executed between them and the Supplementary Family Settlement / Compromise Deed dated 15.01.2018 executed pursuant to the proceedings dated 02.11.2017 in the present petition. In view of the factum that the respondent no. 1 though she submitted that she does not oppose the prayer made by the petitioner seeking quashing of the proceedings in the complaint case submitted that her rights as a mother now to be looked after for medicine and residence be provided, and her son Hari Hara Krishnan has now undertaken to provide medical requirements and food, shelter, care, protection and maintenance for her mother Laxmi i.e. the respondent no. 1, who is living with him. The petitioner and the son of the respondent no. 1 Hari Hara Krishnan have agreed to remain bound by the Family Settlement / Compromise Deed dated 02.11.2017 as Ex.CW1/B and the Supplementary Family Settlement / Compromise Deed dated 15.01.2018 executed pursuant to the proceedings dated 02.11.2017 in the present petition as Ex.CW1/C. Both the respondents no. 1 & 2 who are the complainants of the complaint case no. 61/1/15 in question pending in the Saket Courts have stated that they seek that the proceedings continue against the respondent no. 2 i.e. Krishna Nath Rao qua whom the Trial Court Record has been received and indicate that the proceedings are pending in relation to the charges against him qua the alleged commission of the offences punishable under Sections 376/506 of the Indian Penal Code, 1860. In view of the testimony of the respondents

no.1 & 2 qua the allegations against the petitioner in relation to the complaint case no. 61/1/15, S.C. no. 83/16 pending before the ASJ – Spl. Fast Tract Court, South District, Saket Courts, New Delhi in relation to the alleged commission of the offences punishable under Sections 342/34, 323/34, 387/34, 365/34, 367/34, 342/34 and 387/34 of the Indian Penal Code, 1860 in view of the family settlement arrived at between the petitioner and the respondents no. 1 & 2 are thus quashed as also all consequential proceedings emanating therefrom.

It is specifically directed that the proceedings against co-accused Krishna Nath Rao s/o Late Sh. Sunder Rao against whom charges have been framed on 12.05.2017 shall continue.

The Trial Court Record be returned.

ANU MALHOTRA, J

APRIL 18, 2018/MK

Statement of CW1 : Smt. Laxmi w/o late Sh. M.G. Krishnan, aged 84 years r/o Gole Market, Delhi with my son Hari Hara Krishnan.

ON S.A.

I have a bank account at the Bank of India and I have brought my passbook in relation thereto. A copy of the said passbook is Ex.CW1/A (original seen and returned). A sum of Rs.50,500/- is indicated to have been entered by NEFT transfer into the account of the witness / the respondent no. 1 on 07.04.2018 by Gomathi Sivaramakrishnan i.e. the petitioner (original seen and returned). Gomathi Sivaramakrishnan i.e. the petitioner is my daughter. Janaki i.e. the respondent no. 2 is also my daughter. I do not seek to pursue the complaint case no. 61/1/15 in the Saket Courts against Gomathi Sivaramakrishnan i.e. the respondent no. 1 therein and the petitioner to the present petition CRL.M.C. 4688/2017. I seek that the proceedings shall continue against the accused no. 2 i.e. Krishna Nath Rao. The Family Settlement / Compromise Deed dated 02.11.2017 bears my signatures thereon on each page of the same at point-A on Ex.CW1/B (original seen and returned). The Supplementary Family Settlement / Compromise Deed dated 15.01.2018 executed pursuant to the proceedings dated 02.11.2017 in the present petition also bears my signatures thereon on each page of the same at point-A on Ex.CW1/C and I have signed both these documents voluntarily of my own accord without any duress, pressure or coercion from any quarter. I have no opposition to the prayer made by the petitioner seeking quashing of the complaint under Sections

323/342/365/367/387/506/34 of the Indian Penal Code, 1860 i.e. the complaint case no. 61/1/15 PS Saket and all consequential proceedings emanating therefrom. I have made this statement voluntarily of my own accord without any duress, pressure or coercion from any quarter.

RO & AC
APRIL 18, 2018/MK

ANU MALHOTRA, J

Statement of CW2 : Gomathi Sivaramakrishnan w/o Late Sh. N.R. Sivarama Krishnan, aged 51 years r/o 440, Sector-5, R.K. Puram, new Delhi.

ON S.A.

I have studied till standard 12th. I work as MTS in the Central Government. I have signed the Family Settlement / Compromise Deed dated 02.11.2017 with my signatures thereon at point-B on Ex.CW1/B and the Supplementary Family Settlement / Compromise Deed dated 15.01.2018 executed pursuant to the proceedings dated 02.11.2017 in the present petition also bears my signatures thereon at point-B on Ex.CW1/C and I have signed both these documents voluntarily of my own accord without any duress, pressure or coercion from any quarter. I undertake to abide by the terms of the Supplementary Family Settlement / Compromise Deed dated 15.01.2018 executed pursuant to the proceedings dated 02.11.2017. I have already deposited a sum of Rs.50,000/- in the bank account of the respondent no. 1 i.e. Smt. Laxmi. I have made this statement voluntarily of my own accord without any duress, pressure or coercion from any quarter.

**RO & AC
APRIL 18, 2018/MK**

ANU MALHOTRA, J

Statement of CW3 : Hari Hara Krishnan s/o late Sh. M.G. Krishnan, aged 57 years r/o 2/4D, Kalibadi Marg, New Delhi.

ON S.A.

I have no opposition to the prayer made by the petitioner seeking quashing of the complaint under Sections 323/342/365/367/387/506/34 of the Indian Penal Code, 1860 i.e. the complaint case no. 61/1/15 PS Saket and all consequential proceedings emanating therefrom. In terms of the Supplementary Family Settlement / Compromise Deed dated 15.01.2018 executed pursuant to the proceedings dated 02.11.2017, I undertake to provide medical requirements and food, shelter, care, protection and maintenance for my mother Laxmi i.e. the respondent no. 1, who is living with me. The Family Settlement / Compromise Deed dated 02.11.2017 bears my signatures thereon at point-C on Ex.CW1/B and the Supplementary Family Settlement / Compromise Deed dated 15.01.2018 executed pursuant to the proceedings dated 02.11.2017 in the present petition also bears my signatures thereon at point-C on Ex.CW1/C and I have signed both these documents voluntarily of my own accord without any duress, pressure or coercion from any quarter. I undertake to abide by the terms of the Supplementary Family Settlement / Compromise Deed dated 15.01.2018 executed pursuant to the proceedings dated 02.11.2017. I have made this statement voluntarily of my own accord without any duress, pressure or

coercion from any quarter.

RO & AC
APRIL 18, 2018/MK

ANU MALHOTRA, J

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CRL.M.C. 4688/2017

GOMATHI SIVARAMAKRISHNAN versus LAXMI & ANR

**Statement of CW4 : Janaki d/o late Sh. M.G. Krishnan, aged 60 years
r/o in the house of Ramachandaran at Janakpuri, Delhi.**

ON S.A.

I do not seek to pursue the complaint case no. 61/1/15 in the Saket Courts against Gomathi Sivaramakrishnan i.e. the respondent no. 1 therein and the petitioner to the present petition CRL.M.C. 4688/2017. I seek that the proceedings shall continue against the respondent no. 2 i.e. Krishna Nath Rao. The Family Settlement / Compromise Deed dated 02.11.2017 bears my signatures on Ex.CW1/B (original seen and returned). The Supplementary Family Settlement / Compromise Deed dated 15.01.2018 executed pursuant to the proceedings dated 02.11.2017 in the present petition also bears my signatures on Ex.CW1/C and I have signed both this documents voluntarily of my own accord without any duress, pressure or coercion from any quarter. I have no opposition to the prayer made by the petitioner seeking quashing of the complaint under Sections 323/342/365/367/387/506/34 of the Indian Penal Code, 1860 i.e. the complaint case no. 61/1/15 PS Saket and all consequential proceedings emanating therefrom. I have made this statement voluntarily of my own accord without any duress, pressure or coercion from any quarter.

**RO & AC
APRIL 18, 2018/MK**

ANU MALHOTRA, J