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

+ CRL.M.C. 174/2018

ABHINAY DOGRA & ORS

..... Petitioners

Through: P- 1 to 4 in person with Mr. Jitender
Kumar, Advocate.

versus

STATE OF DELHI & ANR

..... Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
with SI Rajiv Singh, PS Mehrauli.
R-2 in person with Mr. Anuj Arora,
Advocate.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **15.03.2018**

Mr. Anuj Arora, Advocate appearing for respondent no. 2 submits that he will be filing his vakalatname during the course of the day. The same be filed accordingly.

Vide the present petition, the petitioners seek quashing of the FIR No. 27/06, PS Mehrauli under Sections 498-A/406/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties vide a settlement dated 20.09.2016 arrived at the Delhi Mediation Centre, THC, Delhi.

The Investigating Officer of the case is present and has identified the petitioner No. 1 Sh. Abhinay Dogra, petitioner no. 2 Sh. Purshottam Singh, petitioner no. 3 Ms. Ruchika and petitioner no. 4

Ms. Radhika arrayed as being the four accused in the FIR no. 27/06, PS Mehrauli under Sections 498-A/406/34 of the Indian Penal Code, 1860. He has also identified the respondent no. 2, Ms. Anju Dogra being the complainant of the said FIR present in Court today. The petitioner no. 1 has produced his original driving licence, photocopy thereof is directed to be filed. The proof of identity of the petitioner nos. 2 to 4 and of the respondent no. 2 in the form of their Aadhar Cards are on the record, photocopies of the same are on the record as Ex. CW1/A and Ex. CW1/D, originals of which have been seen and returned.

The FIR is indicated to have been registered on the basis of a matrimonial discord between the parties and also in relation to the alleged commission of the offence punishable under Section 406 of the Indian Penal Code, 1860.

The respondent no. 2 is well educated and is a practising advocate at the District Courts of Delhi states that she and the petitioner no. 1 are living apart from the last 14 years and presently there has been no divorce between them. She further states that she does not seek to pursue the proceedings further in relation to the FIR in question and does not oppose the prayer made by the petitioners seeking quashing of the FIR no. 27/06, PS Mehrauli under Sections 498-A/406/34 of the Indian Penal Code, 1860 nor does she want them to be punished in relation thereto. In view of the factum that the FIR emanates from a matrimonial discord and the factum that the

petitioner no. 1 and the respondent no. 2 are living apart from the last 14 years without any divorce and the respondent no. 2 has also further stated that she would take further a legal action against the petitioner no. 1 in the event of a divorce and that factum that there is no child born out of the wedlock between her and the petitioner no. 1, taking the totality of the circumstances of the case into account as there is no opposition on behalf of the State in view of the deposition made by the respondent no. 2, it is considered appropriate to put a quietus to the litigation between the parties and to allow the prayer made by the petitioners seeking quashing of the FIR in question and all consequential proceedings emanating therefrom. In view thereof, the FIR No. 27/06, PS Mehrauli under Sections 498-A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom are thus quashed.

The petition is disposed of.

Copy of the order be given *dasti*, as prayed.

ANU MALHOTRA, J

MARCH 15, 2018
NC

Item No. 15

CRL.M.C. 174/2018

ABHINAY DOGRA & ORS Vs. STATE OF DELHI AND ANR.

15.03.2018

CW-1 SI Rajeev, Police Station Mehrauli.

ON S.A.

I identify the petitioner No. 1 Sh. Abhinay Dogra, petitioner no. 2 Sh. Purshottam Singh, petitioner no. 3 Ms. Ruchika and petitioner no. 4 Ms. Radhika arrayed as being the four accused in the FIR no. 27/06, PS Mehrauli under Sections 498-A/406/34 of the Indian Penal Code, 1860. I also identify the respondent no. 2, Ms. Anju Dogra being the complainant of the said FIR present in Court today. The petitioner no. 1 has produced his original driving licence, photocopy thereof be filed. The proof of identity of the petitioner os 2 to 4 and of the respondent no. 2 in the form of photocopies of their Aadhar Cards are on the record as Ex. CW1/A and Ex. CW1/D (Original seen and returned).

**RO & AC
MARCH 15, 2018.**

ANU MALHOTRA, J

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Statement of CW2 : Ms. Anju Dogra, w/o Sh. Abhinay Dogra, d/o Sh. Milap Chnad, aged 31 years, r/o H. No. 2131, Gali no. 6A, Prem Nagar, Patel Nagar, West, Delhi.

ON S.A.

I do not oppose the prayer made by the petitioners seeking quashing of the FIR no. 27/06, PS Mehrauli under Sections 498-A/406/34 of the Indian Penal Code, 1860 nor do I want them to be punished in relation thereto. A settlement dated 20.09.2016 has been arrived at between me and the petitioners at the Delhi Mediation Centre, THC, Delhi and bears my signatures at point A on Ex. CW2/A. My affidavit annexed to the petition bears my signatures thereon at points A & B on Ex. CW2/B. I have signed both these documents voluntarily of my own accord without any duress, coercion or pressure from any quarter.

The petitioner no. 1 and I living apart from the last 14 years. There has been no divorce between me and the petitioner no. 1. I do not seek continuation of any proceedings in relation to the FIR in question. If there is any talk of divorce in future, I will think about it.

I have done my B.A., LLB and I am a practising advocate in the District Courts of Delhi.

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

ANU MALHOTRA, J

RO & AC

MARCH 15, 2018