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

+ CRL.M.C. 210/2019 & CRL.M.A. 38078/2019

KAMAL ROHILLA & ANR

..... Petitioners

Through: Petitioners in person with Mr. Rohit Shukla, Advocate.

versus

THE STATE OF NCT OF DELHI & ANR

..... Respondents

Through: Mr. Kewal Singh Ahuja, APP for State with SI Naresh Kumar, PS K.N Katju Marg.

R-2 in person with Mr. R.K. Tarun & Mr. Shubham Prajapati, Advocates for R-2.

+ CRL.M.C. 211/2019 & CRL.M.A. 38088-38089/2019

RAJBIR & ORS

..... Petitioners

Through: Mr. R.K. Tarun & Mr. Shubham Prajapati, Advocates.

versus

THE STATE OF NCT OF DELHI & ANR

..... Respondents

Through: Mr. Kewal Singh Ahuja, APP for State with SI Naresh Kumar, PS K.N Katju Marg.

R-2 in person with Mr. R.K. Shukla, Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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14.10.2019

CRL.M.A. 38078/2019 In CRL.M.C.-210/2019
CRL.M.A. 38088-38089/2019 In CRL.M.C.-211/2019

The matter is already fixed for 20.11.2019 and is taken up on CRL.M.A. 38078/2019 filed in CRL.M.C.-210/2019 and on CRL.M.A. 38089/2019 filed in CRL.M.C.-211/2019, vide which the petitioners thereof seek an early hearing placing reliance on the provision of Chapter-6 of the Delhi High Court Rules seeking an early disposal submitting to the effect that one of the parties to the settlement arrived at between the petitioners of both the petitions and the respondent no.2 of both the petitions therein works with the Indian Air Force and is unable to take leave and come and is presently on leave for the purpose of the present proceedings.

Though, undoubtedly, Chapter-6 of the Delhi High Court Rules which has been referred to with clause 6 thereof reads to the effect:-

“6. Speedy Disposal of Cases- Civil Courts should dispose of all suits, for the prosecution or defence of which officers, soldiers or reservists have obtained leave of absence as speedily as is consistent with the administration of Justice, irrespective of the order in which they stand on the register.”,

and relates to directions to Civil Courts, nevertheless in the interest of justice taking into account the factum that one of the parties to the proceedings is presently in the Indian Air Force and it is stated that he works in sensitive border area, in the interest of justice, the applications seeking an early hearing are allowed in each of the

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petitions.

CRL.M.C.-210/2019 & CRL.M.C.-211/2019

The matters have been taken up together, in as much as they are cross FIRs apparently registered on the basis of a family dispute between the parties, which appears to have since been resolved vide a Memorandum of Understanding dated 09.01.2019.

The respondent no.2 arrayed in CRL.M.C.210/2019 who is the complainant of FIR No.421/2018, PS K.N. Katju Marg registered under Sections 354/506/34 of the Indian Penal Code, 1860 is the mother-in-law of Ms.Kamal Rohilla who is the complainant of FIR No.420/2018, PS K.N. Katju Marg registered under Sections 354/323/506/34 of the Indian Penal Code, 1860 registered against the petitioners of CRL.M.C.211/2019 i.e. petitioner no.1 Rajbir i.e. the husband of Kamal Rohilla and petitioner no.2 Yogender Kumar and the petitioner no.3 Ravinder Kumar being the brothers-in-law of Ms. Kamal Rohilla.

The Investigating Officer of the case has identified the petitioners arrayed in CRL.M.C.210/2019 & CRL.M.C.211/2019 as being the accused persons arrayed in relation to FIR No.421/2018, PS K.N. Katju Marg registered under Sections 354/506/34 of the Indian Penal Code, 1860 and FIR No.420/2018, PS K.N. Katju Marg registered under Sections 354/323/506/34 of the Indian Penal Code, 1860 respectively and identified the respondent no.2 Ms. Asrafi Devi as being the complainant of FIR No.421/2018, PS K.N. Katju Marg registered under Sections 354/506/34 of the Indian Penal Code, 1860

and Ms. Kamal Rohilla as being the complainant of FIR No.420/2018, PS K.N. Katju Marg registered under Sections 354/323/506/34 of the Indian Penal Code, 1860.

Ms. Asrafi Devi and Ms. Kamal Rohilla have also produced their proof of identities in the form of their Aadhaar Cards, photocopies of which are on the record as Ex.CW2/A on both the petitions, originals of which have been seen and returned.

Ms. Asrafi Devi, who is aged 67 years in reply to specific Court query has stated that she is not literate. The respondent no.2 of CRL.M.C.210/2019 has stated that a settlement has since been arrived at between her and the petitioners and has further testified to the effect that she has put her thumb impressions on her affidavit annexed to the petition at points A & B on Ex.CW2/B, which she has stated she has put voluntarily of her own accord without any duress, coercion or pressure from any quarter, in as much as the matter is only a family dispute, she wants her family to remain intact. She has further stated that she does not oppose the prayer made by the petitioners seeking the quashing of the FIR No.421/2018, PS K.N. Katju Marg registered under Sections 354/506/34 of the Indian Penal Code, 1860, in as much as the petitioner no.1 namely Kamal Rohilla is her daughter-in-law and the petitioner no.2 is her father and that she has made her statement after understanding the implications thereof voluntarily of her own accord without any duress, coercion or pressure from any quarter.

The respondent no.2 of CRL.M.C.211/2019 has stated that she

is living with her spouse i.e. the petitioner no.1 of the said petition namely Mr. Rajbir along with her two children aged 10 years and 6 years and that she wants to continue to live with her husband and that in the circumstances, she does not oppose the prayer made by the petitioners seeking the quashing of the FIR No.420/2018, PS K.N. Katju Marg registered under Sections 354/323/506/34 of the Indian Penal Code, 1860.

In view of the settlement arrived at between Ms. Kamal Rohilla and the petitioners of CRL.M.C. No.211/2019 as well as with her mother-in-law vide a Memorandum of Understanding dated 09.01.2019. In reply to a specific Court query, she has stated that she has made her statement after understanding the implications thereof voluntarily of her own accord without any duress, coercion or pressure from any quarter and that she is a graduate and works as a Credit Manager in a bank.

On behalf of the State, learned APP for the State has adverted to the statement under Section 164 of the Cr.P.C. of the complainant in FIR No.420/2018, which brings forth the gross allegations against the petitioners arrayed in CRL.M.C.211/2019, it is in these circumstances some queries were put to the complainant of the said FIR, to which she has responded that she wants to continue to live with the petitioner no.1. In the circumstances thus, she does not oppose the prayer made by the petitioners seeking the quashing of the FIR in question.

In as much as the FIR has apparently emanated from a family

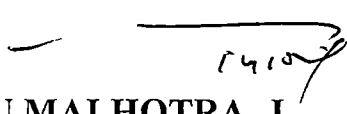
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discord between the parties, taking into account the statement of Ms. Asrafi Devi i.e. the mother-in-law of Ms. Kamal Rohilla, who is the complainant of FIR No.420/2018, PS K.N. Katju Marg registered under Sections 354/323/506/34 of the Indian Penal Code, 1860, so that there is peace and harmony maintained between the parties and as the petitioners of CRL.M.C.211/2019 have also apologized for their acts that they have committed, taking the same into account and in as much as, as observed hereinabove for maintenance of peace and harmony between the parties, it is considered appropriate to put a quietus to the litigation between the parties.

In view thereof, the FIR No. 421/2018, PS K.N. Katju Marg registered under Sections 354/506/34 of the Indian Penal Code, 1860 against the petitioner no.1 Ms. Kamal Rohilla and the petitioner no.2 Krishan Rohilla and FIR No. 420/2018, PS K.N. Katju Marg registered under Sections 354/323/506/34 of the Indian Penal Code, 1860 against the petitioner no.1 Rajbir, petitioner no.2 Yogender Kumar and the petitioner no.3 Ravinder Kumar and all consequential proceedings emanating therefrom are quashed.

The petitions are disposed of accordingly.

The date 20.11.2019 stands cancelled.


ANU MALHOTRA, J

OCTOBER 14, 2019/NC