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

+ W.P.(CRL) 2431/2019

MANISH & ORS.

..... Petitioners

Through:

versus

STATE & ANR.

..... Respondents

Through: Ms Kamna Vohra, ASC for State.
Mr Nishant Das, Ms Surabhi Diwan
and Mr Atul Kumar, Advocates for R-
2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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13.11.2019

CRL.M.A. 37452/2019

1. Allowed, subject to all just exceptions.

CRL.M.A. 37451/2019

2. This is an application filed by respondent no.2 for restoration of the FIR No.0173/2019, under Sections 323/354/354A/354B/506/34 of the Indian Penal Code, 1860 (IPC), registered with PS Kotla Mubarakpur. The applicant (respondent no.2) contends that the said FIR was quashed in view of the statement made by respondent no.2 that she did not wish to pursue the same and had resolved all disputes with her husband and his family members.

3. The applicant (respondent no.2) now states that she had been

manipulated into signing the Family Settlement Deed under the belief that the same was required by the police to further investigate the said FIR. She further states that she appeared before this Court as she was intimidated and had been threatened that harm would be caused to her child. She also states that she was under the bonafide belief that her husband would be reprimanded by the Court and was not aware that her statement would result in quashing of the said FIR. She also states that she is an uneducated lady and was not aware of the contents of the Family Settlement Deed.

4. The aforesaid contentions are unpersuasive.

5. Respondent no.2 had made allegations against the brother of her deceased father-in-law (petitioner no.2) and his son (petitioner no.3). On 13.09.2019, she had unequivocally stated that she had settled all the disputes and moved back to her matrimonial home. Since, the petitioners were also residing in the same premises, this Court had specifically inquired from respondent no.2 as to whether all her grievances regarding petitioner no.2 and 3 have been resolved and she had responded in the affirmative. It was also stated by respondent no.2 that the FIR had been filed on account of matrimonial disputes.

6. Respondent no.2 had also entered into a family settlement (Family Settlement Deed), which was produced in the Court. The said fact was verified and also recorded in the order dated 13.09.2019. Although, respondent no.2 claims that she is an uneducated woman and did not receive the copy of the family settlement, no such reservation was expressed on 13.09.2019. It is seen that the same is on record.

7. The learned counsel appearing for respondent no.2 states that she

could not understand English and has signed the affidavit in Hindi. She has also signed the application and affidavit in Hindi. This is also clearly unmerited. The signatures of respondent no.2 on the Family Settlement Deed, as well as the order dated 13.09.2019, are in English.

8. In view of the above, this Court finds no reason to allow the present application. The FIR in question was quashed since the parties have resolved their disputes. It appears that since further issues have cropped up between respondent no.2 and petitioner no.1, there is a change of mind on part of respondent no.2. This cannot be a ground for reviving the said FIR and restoring the proceedings that were quashed.

9. In view of the above, the application is dismissed.

VIBHU BAKHRU, J

NOVEMBER 13, 2019
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