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

+ **CRL.M.C. 6636/2019 & CRL.M.A. 43281/2019**

MAHENDER SINGH & ORS. Petitioners

Through: Petitioners in person with Mr. Basant
Kumar Gautam, Advocate.

versus

STATE & ANR. Respondents

Through: Mr. Kamal Kumar Ghai, APP for
State with SI Sunil Kumar, PS
Kanjhawla.
R-2 in person with counsel.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **13.02.2020**

CRL.M.A. 43281/2019 (Ex.)

Exemption allowed subject to all just exceptions.

CRL.M.C. 6636/2019

Vide the present petition, the petitioners seek the quashing of the FIR No.788/2015, PS Kanjhawala registered under Sections 323/324/506/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the petitioners and the respondent no.2 as well as arrived at between the respondent no.2 and his erstwhile spouse Ms. Rekha, daughter of the petitioner nos. 1 & 2 and sister of the petitioner no.3 vide a mediation settlement arrived at between them at the Delhi Mediation Centre, Rohini District Courts, Delhi on 04.09.2019 and that the marriage between the respondent no.2 and Ms. Rekha has since been dissolved vide a decree of divorce through mutual consent under Section 13B(2) of the HMA, 1955 vide a decree dated 21.11.2019 and it is thus, submitted on

behalf of the petitioners that no useful purpose would be served by the continuation of the proceedings in relation to the present FIR.

The Investigating Officer of the case is present and has identified the petitioner nos. 1 to 3 i.e. petitioner no.1 Mahender Singh, petitioner no.2 Sushil Kaur and petitioner no.3 Naveen Kumar as being the three accused arrayed in the FIR No.788/2015, PS Kanjhawala registered under Sections 323/324/506/34 of the Indian Penal Code, 1860 and he has also identified the respondent no.2 Baljeet as being the complainant of the said FIR.

The respondent no.2 has produced his original proof of identity, photocopy of which is on the record as Ex.CW2/A. The respondent no.2 in his deposition on oath by the Court has affirmed having signed his affidavit in support of the averments made in the petition at points A & B on Ex.CW2/B as well as on the copy of the settlement which had been arrived at between him and the petitioner nos. 1 to 3 and had also been arrived at between him and his erstwhile spouse Ms. Rekha, daughter of the petitioner nos. 1 & 2 and sister of the petitioner no.3 during the course of the mediation proceedings on 04.09.2019 at the Delhi Mediation Centre, Rohini District Courts, Delhi as visible at point A on Ex.CW2/C, qua which he states that he has signed these documents voluntarily of his own accord without any duress, coercion or pressure from any quarter. He has further testified to the effect that in terms of the settlement arrived at between him and Ms. Rekha and the petitioner nos. 1 to 3, the marriage between him and Ms. Rekha has been dissolved vide a decree of divorce through mutual consent under Section 13B(2) of the HMA, 1955 in HMA Petition No.1811/2019 vide a decree dated 21.11.2019 of the Court of the Principal

Judge, Family Court, District North, Rohini Courts, Delhi, copy of which decree sheet is on the record as Ex.CW2/D. He has further testified to the effect that in view of the settlement arrived at between him and the petitioners, he does not oppose the prayer made by the petitioners seeking the quashing of the FIR No.788/2015, PS Kanjhawala registered under Sections 323/324/506/34 of the Indian Penal Code, 1860 nor does he want them to be punished in relation thereto, in as much as, the family dispute between them has since been resolved.

On behalf of the State, there is no opposition to the prayer made by the petitioners seeking the quashing of the FIR in question in view of the settlement arrived at between the parties and the deposition made by the respondent no.2.

The respondent no.2 is apparently well educated having done his graduation and is in a Government Job and has understood the implication of the statement made by him. There appears no reason to disbelieve his statement that he has arrived at a settlement with the petitioners voluntarily of his own accord without any duress, coercion or pressure from any quarter.

In view of the deposition made by the respondent no.2 and the settlement arrived at between the parties and non-opposition on behalf of the State, in as much as, all the disputes between the petitioners and the respondent no.2 have since been resolved, for maintenance of peace and harmony between the petitioners and the respondent no.2, it is considered appropriate to put a quietus to the litigation between the parties in relation to the present FIR.

In view thereof, the FIR No.788/2015, PS Kanjhawala registered

under Sections 323/324/506/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner nos. 1 to 3 i.e. petitioner no.1 Mahender Singh, petitioner no.2 Sushil Kaur and petitioner no.3 Naveen Kumar are thus, quashed.

The petition is disposed of.

Copy of the order be given Dasti, as prayed.

ANU MALHOTRA, J

FEBRUARY 13, 2020

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IN THE HIGH COURT OF DELHI: NEW DELHI

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CRL.M.C. 6636/2019

MAHENDER SINGH & ORS. VS. STATE & ANR.

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CW-1 SI Sunil Kumar, PS Kanjhawala.

ON S.A.

I identify the petitioner nos. 1 to 3 i.e. petitioner no.1 Mahender Singh, petitioner no.2 Sushil Kaur and petitioner no.3 Naveen Kumar as being the three accused arrayed in the FIR No.788/2015, PS Kanjhawala registered under Sections 323/324/506/34 of the Indian Penal Code, 1860 and I also identify the respondent no.2 Baljeet as being the complainant of the said FIR.

RO & AC
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ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

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CRL.M.C. 6636/2019

MAHENDER SINGH & ORS. VS. STATE & ANR.

13.02.2020

CW-2 Mr. Baljeet, s/o Sh. Ram Niwas, age 39 years, r/o 35, Village Garhi Randhala, Delhi.

ON S.A.

I have brought my original proof of identity, photocopy of which is on the record as Ex.CW2/A.

My affidavit in support of the averments made in the petition bears my signatures at points A & B on Ex.CW2/B. A settlement has since been arrived at between me and the petitioner nos. 1 to 3 and had also been arrived at between me and my erstwhile spouse Ms. Rekha, daughter of the petitioner nos. 1 & 2 and sister of the petitioner no.3 during the course of the mediation proceedings on 04.09.2019 at the Delhi Mediation Centre, Rohini District Courts, Delhi and the copy of the said mediation proceedings also bears my signatures as visible at point A on Ex.CW2/C, I have signed these documents voluntarily of my own accord without any duress, coercion or pressure from any quarter. In terms of the settlement arrived at between me and Ms. Rekha and the petitioner nos. 1 to 3, the marriage between me and Ms. Rekha has been dissolved vide a decree of divorce through mutual consent under Section 13B(2) of the HMA, 1955 in HMA Petition No.1811/2019 vide a decree dated 21.11.2019 of the Court of the Principal Judge, Family Court, District North, Rohini Courts, Delhi, copy of which decree sheet is on the record as Ex.CW2/D.

In view of the settlement arrived at between me and the petitioners, I do not oppose the prayer made by the petitioners seeking the quashing of the FIR No.788/2015, PS Kanjhawala registered under Sections 323/324/506/34 of the Indian Penal Code, 1860 nor do I want them to be punished in relation thereto, in as much as, the family dispute between us has since been resolved.

I am a graduate and I am in a Government Job.

I have made my statement after understanding the implications thereof, voluntarily of my own accord without any duress, coercion or pressure from any quarter.

RO & AC
13.02.2020

ANU MALHOTRA, J