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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 597/2020**

SUNIL KUMAR & ORS. Petitioners
Through: Mr.Ankit Tandon, Advocate

versus

STATE & ANR. Respondents
Through: Mr. Sanjeev Sabharwal, APP for State
With ASI Sri Ram, PS Sagarpur
Mr.____, Advocate (appearance not
given with Respondent No.2

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **03.02.2020**

Crl.M.A. No. 2441/20205

Exemption allowed, subject to just exceptions.

Crl.M.C. No. 597/2020

Vide the present petition, the petitioners seek quashing of the FIR No.419/2018 PS Sagarpur registered 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 and that the parties are living together w.e.f. 29.5.2019 without any problems now and as has also been submitted by the respondent No.2 during the course of the proceedings in CC No. 16893/2018 before the learned Metropolitan Magistrate as per the proceedings dated 28.8.2019 EX.CW-2/C reflected on the record.

The Investigating Officer of the case is present and has

identified the petitioners No. 1 to 7, namely, Sunil Kumar, Smt. Leelawati, Nisha, Anita Sharma, Asha, Kavita and Usha as being the accused arrayed in FIR No.419/2018 PS Sagarpur registered under Sections 498-A/406/34 of the Indian Penal Code, 1860 present in the Court today and has also identified the respondent No.2 present in the Court today as being the complainant of the said FIR.

The respondent No.2 in her deposition has brought her original proof of identity i.e. Aadhar Card. The photocopy of the same is EX.CW-2/A and testified to have signed her affidavit in support of the petition Ex.CW-2/B voluntarily of her own accord without any duress, pressure or coercion from any quarter. The respondent No.2 further stated that in view of the settlement arrived at between her and the petitioner No.1 she has been living with the petitioner No.1 since May, 2019 without any problems now and she wants to continue to live with the petitioner No.1. The respondent No.2 further stated that in view of the settlement, she does not oppose the prayer made by the petitioners no. 1 to 7, *namely*, Sunil Kumar, Smt. Leelawati, Nisha, Anita Sharma, Asha, Kavita and Usha seeking quashing of the FIR No.419/2018 PS Sagarpur registered under Sections 498-A/406/34 of the Indian Penal Code, 1860 nor does she want the petitioners to be punished in relation thereto in view of the settlement arrived at between her and the petitioners and that she has so stated voluntarily of her own accord without any duress, pressure or coercion from any quarter. She further stated that she has studied till 10th standard and has understood the implications of the statement made by her and in the event of there being any problem in future, she would seek

redressal in accordance with law and that she has also made a similar statement before the learned Metropolitan Magistrate (Mahila Court) on 28.8.2019 in CC No. 16893/2018, the copy of the same is placed on the record as annexure P-2, the same is EX.CW-2/C, to the effect that she has been living with the petitioner No.1 since 29.5.2019 without any problems and had thus withdrawn the CC No. 16893/2018. The respondent No.2 further stated that she has made her statement voluntarily of her own accord without any duress, pressure or coercion from any quarter.

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 of the respondent No.2.

There appears no reason to disbelieve the statement made by the respondent no.2 that she has arrived at a settlement with the petitioner no.1 voluntarily of her own accord without any duress pressure or coercion from any quarter. In view of the statement made by the respondent no.2 and the non-opposition on behalf of the State, in as much as the FIR in question has emanated from a matrimonial discord which has since been resolved vide settlement document Ex.CW-2/C and in as much as the respondent no.2 has categorically stated that she is living with the petitioners without any problems since 29.5.2019 and that she wants to continue to live with the petitioners, it is considered appropriate to put a quietus to the litigation and disputes between the parties for maintenance of peace and harmony between them as also for the well being of the

respondent no.2 qua the FIR No.419/2018 PS Sagarpur registered under Sections 498-A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioners are thus quashed.

The petition is disposed of.

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

ANU MALHOTRA, J

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**CW-1 ASI SRI RAM PS SAGARPUR
ON S.A.**

I identify the petitioners No. 1 to 7, namely, Sunil Kumar, Smt. Leelawati, Nisha, Anita Sharma, Asha, Kavita and Usha as being the accused arrayed in FIR No.419/2018 PS Sagarpur registered under Sections 498-A/406/34 of the Indian Penal Code, 1860 present in the Court today. I also identify the respondent No.2 present in the Court today as being the complainant of the said FIR.

ANU MALHOTRA, J.

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CW-2 SMT.PRIYANKA W/O SUNIL KUMAR, R/O RZ-6/A, KH. No. 659, GALI No.5, INDRA PARK, PALAM COLONY; AGE 27 YEARS ON S.A.

I have brought my original proof of identity i.e. Aadhar Card. The photocopy of the same is EX.CW-2/A.

My affidavit in support of the petition bears my signatures at point A & B on Ex.CW-2/B. I have signed the affidavit voluntarily of my own accord without any duress, pressure or coercion from any quarter. In view of the settlement arrived at between me and the petitioner No.1 I have been living with the petitioner No.1 since May, 2019 without any problems now and I want to continue to live with the petitioner No.1. In view thereof, I do not oppose the prayer made by the petitioners no. 1 to 7, *namely*, Sunil Kumar, Smt. Leelawati, Nisha, Anita Sharma, Asha, Kavita and Usha seeking quashing of the FIR No.419/2018 PS Sagarpur registered under Sections 498-A/406/34 of the Indian Penal Code, 1860 nor do I want the petitioners to be punished in relation thereto in view of the settlement arrived at between me and the petitioners. I have so stated voluntarily of my own accord without any duress, pressure or coercion from any quarter.

I have studied till 10th standard and have understood the implication of the statement made by me. In the event of there being any problem in future, I would seek redressal in accordance with law. I have made a similar statement before the learned Metropolitan Magistrate (Mahila Court) on 28.8.2019 in CC No. 16893/2018. The copy of the same is placed on the record as annexure P-2, the same is EX.CW-2/C, to the effect that I have

been living with the petitioner No.1 since 29.5.2019 without any problems and have thus withdrawn the CC No. 16893/2018. I have made my statement voluntarily of my own accord without any duress, pressure or coercion from any quarter.

ANU MALHOTRA, J.

RO & AC
03.02.2020