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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 933/2020 & CRL.M.A. 3803/2020**

RAKESH KUMAR @ RIKKI & ORS Petitioners
Through: Petitioners in person with Mr. Varun
Kumar & Mr. Ranjeet Kumar,
Advocates.

versus

THE STATE OF NCT OF DELHI & ANR Respondents
Through: Mr. Ashok Kumar Garg, APP for
State with ASI Daulat Singh, PS
Mangolpuri.
R-2 in person with Ms. Roshni Singh,
Advocate for R-2.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA
ORDER
% **19.02.2020**

CRL.M.A. 3803/2020 (Ex.)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 933/2020

Vide the present petition, the petitioners seek the quashing of the FIR No.1285/2017, PS Mangol Puri registered under Sections 498A/406/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has since been arrived at between the parties vide a settlement agreement dated 10.05.2019 at the Delhi Mediation Centre, Rohini Courts, Delhi and that the

marriage between the petitioner no.1 and the respondent no.2 has since been dissolved vide a decree of divorce through mutual consent under Section 13B(2) of the HMA, 1955, 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 6 i.e. petitioner no.1 Rakesh Kumar @ Rikki, petitioner no.2 Smt. Meera Devi, petitioner no.3 Reetu, petitioner no.4 Riya, petitioner no.5 Rashmi and petitioner no.6 Gauri Shankar present today in Court as being the six accused arrayed in the FIR No.1285/2017, PS Mangol Puri registered under Sections 498A/406/34 of the Indian Penal Code, 1860 and he has also identified the respondent no.2 Ms. Sheetal as being the complainant of the said FIR.

The respondent no.2 has produced her original proof of identity, photocopy of which is on the record as Ex.CW2/A. The respondent no.2 in her deposition on oath has affirmed having signed her affidavit in support of the averments made in the petition at points A & B on Ex.CW2/B as well as on the true copy of the settlement dated 10.05.2019 that has been arrived at between her and the petitioner no.1 at the Delhi Mediation Centre, Rohini Courts, Delhi as visible at point A on Ex.CW2/C, qua which she states that she has signed these documents voluntarily of her own accord without any duress, coercion or pressure from any quarter. She has further testified to the effect that the marriage between her and the petitioner no.1 has since been dissolved vide a decree of divorce through mutual consent under Section 13 B(2) of the HMA, 1955 in HMA Petition No.1359/2019 vide a decree dated 20.07.2019 of the Court of the learned Judge, Family Court, North West,

Rohini, Delhi, certified copy of which is on the record as Ex.CW2/D and has further testified to the effect that in terms of the settlement arrived at between her and the petitioner no.1, a total sum of Rs.8,00,000/- was agreed to be paid to her by the petitioner no.1, out of which a sum of Rs.6,00,000/- has been received by her previously and the balance sum of Rs.2,00,000/- has now been handed over to her vide a demand draft bearing No.020758 dated 04.12.2019 drawn on the Axis Bank Limited in her favour, photocopy of which is on the record as Ex.CW2/E and has further stated that there are now no claims of hers left against the petitioners.

She has further testified to the effect that the minor child namely Master Vansh Raj born of the wedlock between her and the petitioner no.1 is in her custody and that in view of the settlement arrived at between her and the petitioners, she does not oppose the prayer made by the petitioners seeking the quashing of the FIR No.1285/2017, PS Mangol Puri registered under Sections 498A/406/34 of the Indian Penal Code, 1860 nor does she want them to be punished in relation thereto.

In reply to a specific Court query, the respondent no.2 has stated that she has studied upto Standard XII and that she is now pursuing B.A. and has understood the implications of the statement made by her and that there appears no reason to disbelieve her statement that she has arrived at a settlement with the petitioners voluntarily of her own accord without any duress, coercion or pressure 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.

In as much as, the FIR has apparently emanated from a matrimonial discord between the petitioner no.1 and the respondent no.2, which has since been resolved by the dissolution of the marriage between the petitioner no.1 and the respondent no.2 as also brought forth through the deposition of the respondent no.2, in as much as, all claims of the respondent no.2 have been settled as testified by her, it is considered appropriate to put a quietus to the litigation between the parties in relation to the FIR in question.

In view thereof, the FIR No.1285/2017, PS Mangol Puri registered under Sections 498A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner nos.1 to 6 i.e. petitioner no.1 Rakesh Kumar @ Rikki, petitioner no.2 Smt. Meera Devi, petitioner no.3 Reetu, petitioner no.4 Riya, petitioner no.5 Rashmi and petitioner no.6 Gauri Shankar are thus quashed.

It is essential to observe however, that vide the settlement deed 10.05.2019 vide Clause 2 thereof, which read to the effect:-

“2. The respondent no.1/husband shall pay a total sum of Rs.6,00,000/- (Rupees Six Lac Only) towards full and final settlement of all the claims of the complainant/wife arising out of the marriage with regard to maintenance (past, present and future), permanent alimony, stridhan, dowry articles, maintenance, miscellaneous expenses as well as maintenance of the minor child.”

whereby, it has been agreed between the parties that all claims qua miscellaneous expenses as well as maintenance of the minor child namely Vansh Raj born of the wedlock between the petitioner no.1 and the respondent no.2 who is in the custody of the respondent no.2 stand settled,

the said term is not in consonance with law as laid down by the Hon'ble Supreme Court in ***Ganesh V. Sudhir Kumar Shrivastava & Ors.***; Civil Appeal Nos. 4031-4032/2019 arising out of SLP(C) Nos. 32868-32869/2018, a verdict dated 22.4.2019 as adhered to and followed by this Court in ***Rakesh Jain & Ors. v. Sate and Anr.*** in Crl.M.C. No. 2935/2019.

In the circumstances, it is made expressly clear that the quashing of the present FIR in terms of the settlement agreement dated 10.05.2019 between the petitioner no.1 and the respondent no.2 shall not amount to any embargo on the minor child namely Vansh Raj seeking his claims against the petitioners qua maintenance or otherwise in accordance with law.

The petition is disposed of accordingly.

ANU MALHOTRA, J

FEBRUARY 19, 2020
'neha chopra'

IN THE HIGH COURT OF DELHI: NEW DELHI

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CRL.M.C. 933/2020

**RAMESH KUMAR @ RIKKI & ORS. VS. THE STATE OF NCT OF
DELHI & ANR.**

19.02.2020

CW-1 ASI Daulat Singh, PS Mangol Puri.

ON S.A.

I identify the petitioner nos.1 to 6 i.e. petitioner no.1 Rakesh Kumar @ Rikki, petitioner no.2 Smt. Meera Devi, petitioner no.3 Reetu, petitioner no.4 Riya, petitioner no.5 Rashmi and petitioner no.6 Gauri Shankar present today in Court as being the six accused arrayed in the FIR No.1285/2017, PS Mangol Puri registered under Sections 498A/406/34 of the Indian Penal Code, 1860 and I also identify the respondent no.2 Ms. Sheetal as being the complainant of the said FIR.

**RO & AC
19.02.2020**

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

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CRL.M.C. 933/2020

RAMESH KUMAR @ RIKKI & ORS. VS. THE STATE OF NCT OF DELHI & ANR.

19.02.2020

CW-2 Ms. Sheetal, d/o late Sh. Bhagwan Singh, age 39 years, r/o F-197, Mangol Puri, 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 dated 10.05.2019 had been arrived at between me and the petitioner no.1 at the Delhi Mediation Centre, Rohini Courts, Delhi, true copy of which 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.

The marriage between me and the petitioner no.1 has since been dissolved vide a decree of divorce through mutual consent under Section 13 B(2) of the HMA, 1955 in HMA Petition No.1359/2019 vide a decree dated 20.07.2019 of the Court of the learned Judge, Family Court, North West, Rohini, Delhi, certified copy of which is on the record as Ex.CW2/D. In terms of the settlement arrived at between me and the petitioner no.1, a total sum of Rs.8,00,000/- was agreed to be paid to me by the petitioner no.1, out of which a sum of Rs.6,00,000/- has been received by me previously and the balance sum of Rs.2,00,000/- has now been handed over to me vide a

demand draft bearing No.020758 dated 04.12.2019 drawn on the Axis Bank Limited in my favour, photocopy of which is on the record as Ex.CW2/E. There are now no claims of mine left against the petitioners.

The minor child namely Master Vansh Raj born of the wedlock between me and the petitioner no.1 is in my custody.

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.1285/2017, PS Mangol Puri registered under Sections 498A/406/34 of the Indian Penal Code, 1860 nor do I want them to be punished in relation thereto.

I have studied upto Standard XII and now I am pursuing B.A.

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
19.02.2020

ANU MALHOTRA, J