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

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CRL.M.C. 1009/2020 and Crl.M.A. Nos. 4058/2020 and 4059/2020

SACHIN BHATIA & ORS.

..... Petitioners

Through: Mr.Vinod Kumar Khanna, Advocate

versus

STATE & ANR.

..... Respondents

Through: Mr.Kamal Kumar Ghei, APP for State  
with SI Mehram Alam, PS Dwarka  
South  
Mr.Faisal Khan, Adv for R-2 with R-  
2 in person.

**CORAM:**

**HON'BLE MS. JUSTICE ANU MALHOTRA**

**ORDER**

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**04.03.2020**

**Crl.M.A. No. 4059/2020**

This is an application filed on behalf of the petitioners seeking condonation of 37 days' delay in re-filing the petition.

In view of the reasons mentioned in the application, the application is allowed and the delay of 37 days in refilling the petition is condoned.

The application is disposed of.

**Crl.M.A. No. 4058/2020**

Exemption allowed, subject to just exceptions.

**CRL.M.C. 1009/2020**

The Investigating Officer of the case is present and has identified the petitioners No.1 to 4 as being accused arrayed in the FIR No.120/17, PS Nabi Karim, registered under Sections 308/506/34 of the Indian Penal Code, 1860 and the respondent No.2 as being the

complainant thereof.

Vide the present petition, the petitioner seeks quashing of the FIR No.120/17, PS Nabi Karim, registered under Sections 308/506/34 of the Indian Penal Code, 1860 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties vide a Memorandum of Understanding dated 10.1.2018 pursuant to which the marriage between the respondent No.2 and the petitioner No.1 has since been dissolved vide a decree of divorce through mutual consent under Section 13B(2) of the Hindu Marriage Act, 1955 dated 6.12.2018 in HMA No. 1671/2018, of the Court of the Judge, Family Courts (Central), Tis Hazari Courts, the certified copy of which is Ex.CW-2/D and that in terms of the settlement arrived at between the parties, a total sum of Rs.12,00,000/- was agreed to be paid of which a sum of Rs.9,00,000/- has been received by the respondent No.2 and the balance sum of Rs.3,00,000/- has been received by the respondent No.2 today during the course of the present proceedings in the form of a Demand Draft bearing No. 16349 dated 16.1.2020 drawn on Indian bank in her favour. The copy of which is EXCW-2/E and it has thus been submitted that no useful purpose would be served by the continuation of the proceedings in relation to the said FIR which is a result of a matrimonial discord between the petitioner No.1 and the respondent No.2 which has since been resolved by the dissolution of marriage between the petitioner No.1 and the respondent No.2 vide a decree of divorce through mutual consent.

The respondent No.2 in her deposition on oath has produced

her proof of identity and affirmed the factum of having sworn in her affidavit EX.CW-2/B and states that she has signed the Memorandum of Understanding EX.CW-2/C voluntarily of her own accord without any duress, pressure or coercion from any quarter. She further stated that in terms of the settlement arrived at between her and the petitioners and on receipt of the sum of Rs.12,00,000/- of which Rs.9,00,000/- have been received by her previously and the balance sum of Rs.3,00,000/- has been received by her today, she does not oppose the prayer made by the petitioners seeking quashing of the FIR No.120/17, PS Nabi Karim, registered under Sections 308/506/34 of the Indian Penal Code, 1860. She further stated that she has studied till standard XII and has understood the implications of the statement made by her.

On behalf of the State there is no opposition to the prayer made by the petitioners seeking quashing of the FIR in view of the settlement between the parties and the statement made by the respondent No.2. but submitted that costs be imposed in as much as the official State machinery has been utilized.

On a consideration of the submissions made on behalf of either side and deposition of the respondent No.2 in as much as the matrimonial discord between the petitioner No.1 and the respondent No.2 has since been resolved, for maintenance of peace and harmony between them, it is considered appropriate to put a quietus to the litigation between the parties qua the FIR in question, the FIR No.120/17, PS Nabi Karim, registered under Sections 308/506/34 of the Indian Penal Code, 1860 and all consequential proceedings

emanating therefrom against the petitioners subject to deposit of Rs.25,000/- with the Delhi High Court Legal Services Committee with the receipt of the same being placed on record within a period of seven days from today would stand quashed. The Registry shall place the matter before the Court on submission of the receipt of costs being placed on record.

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

**ANU MALHOTRA, J**

**MARCH 04, 2020/SV**

**Item No. 1**

CRL.M.C. 1009/2019

SACHIN BHATIA & ORS V. STATE & ANR.

**CW-1 SI MEHRAM ALAM PS DWARKA SOUTH  
ON S.A.**

I identify the petitioners No. 1-4, namely, Sachin Bhatia, Aman Bhatia, Smt. Sudesh Bhatia and Sushil Kumar Bhatia as being the accused arrayed in FIR No.120/17, PS Nabi Karim, registered under Sections 308/506/34 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.**

**RO & AC  
04.03.2020**

**Item No. 1**

CRL.M.C. 1009/2020

SACHIN BHATIA & ORS V. STATE & ANR.

**CW-2 MS.DEEPIKA D/O SURESH MALHOTRA AGED 28 YEARS,  
R/O f-43, LAXMAN PURI, NABI KARIM, PAHARGANJ NEW DELHI .  
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 points A & B on Ex.CW-2/B. A settlement has since been arrived at between me and the petitioners vide a Memorandum of Understanding dated 10.1.2018 bearing my signatures as visible at point A. The copy of the Memorandum of Understanding is EX.CW-2/C. I have signed these documents voluntarily of my own accord without any duress, pressure or coercion from any quarter. Pursuant to the settlement 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 Hindu Marriage Act, 1955 dated 6.12.2018 in HMA No. 1671/18 of the Court of the Judge, Family Courts (Central), Tis Hazari Courts. The certified copy of the decree of divorce is EX.CW-2/D. Further in view of the settlement arrived at between me and the petitioner No.1 a total sum of Rs.12,00,000/- had been agreed to be paid to me by the petitioner No.1 towards my all claims of which a sum of Rs.9,00,000/- has been received by me previously and the balance sum of Rs.3,00,000 has been handed over to me by the petitioner No.1 today during the course of the present proceedings vide a Demand Draft bearing no. 163749 dated 16.1.2020 drawn on Indian Bank in my favour. There are now no claims of mine left against the petitioners. In view of the settlement

arrived at between me and the petitioners, I do not oppose the prayer made by the petitioners seeking quashing of the FIR No.120/17, PS Nabi Karim, registered under Sections 308/506/34 of the Indian Penal Code, 1860 nor do I want the petitioners to be punished in relation thereto.

I have studied till standard XII and I have understood the implications of the statement made by me. I have made my statement voluntarily of my own accord without any duress, pressure or coercion from any quarter.

**ANU MALHOTRA, J.**

**RO & AC  
4.3.2020**