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

+ CRL.M.C. 1090/2020

SHRI RAMESH KUMAR KAUSHIK & ORS. Petitioners

Through: Mr. Vikram Dua, Advocate.

versus

STATE & ANR.

..... Respondents

Through: Mr. K.K. Ghai, APP for the State with
ASI Devender Singh, SI Govind Dingh,
PS Uttam Nagar.
Mr. Ambareen, Advocate for respondent
No.2.

+ CRL.M.C. 1093/2020

SANJEEV KAUSHIK Petitioner

Through: Mr. Sidharth Joshi, Advocate.

versus

STATE & ANR

..... Respondents

Through: Mr. Sanjeev Sabharwal, APP for the
State with ASI Devender Singh, SI
Govind Dingh, PS Uttam Nagar.
Mr. Ambareen, Advocate for respondent
No.2.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **27.02.2020**

Crl. M.A. No.4316/2020 (exemption) in Crl. M.C. No.1090/2020

Crl. M.A. No.4319/2020 (exemption) in Crl. M.C. No.1093/2020

Exemptions are allowed, subject to all just exceptions.

Applications stand disposed of.

Crl. M.C. Nos.1090/2020 and 1093/2020

By way of two Crl. Miscellaneous Petitions filed under Section
482 Cr.P.C., the petitioners in each case seek quashing of FIR

No.476/2015 dated 02.04.2015 registered under Sections 498-A/406/34 IPC at PS: Uttam Nagar, New Delhi on the basis of a settlement dated 27.03.2019 arrived at under the aegis of the Mediation Centre, Tis Hazari Courts, Delhi.

In Crl. M.C. No.1090/2020 petitioner No.1/Sh. Ramesh Kumar Kaushik is the father-in-law; petitioner No.2/Sh. Abhimanyu Kaushik is the brother-in-law and petitioner No.3/Ms. Poonam Kaushik is the sister-in-law of respondent No.2/Smt. Vaishnavi Kaushik @ Smt. Vaishnavi Sharma @ Nikky. In Crl. M.C. No.1093/2020 the petitioner/Sh. Sanjeev Kaushik is the husband and respondent No.2/Smt. Vaishnavi Kaushik is the wife.

By way of settlement dated 27.03.2019 the parties have amicably settled three proceedings, being suit No.9395/2016 titled ***Ramesh Kumar Kaushik vs. Sanjeev Kumar Kaushik and Anr.***; suit No.995/2017 titled ***Sanjeev Kumar Kaushik vs. Ramesh Kumar Kaushik and Anr.***; and FIR No.476/2015 dated 02.04.2015. By way of the settlement, the disputes that were subject matter of suits for possession and partition as well as the FIR have been settled *inter-se* the parties; and by way of both the petitions the parties seek quashing of the same FIR No.476/2015 dated 02.04.2015.

All the parties except Sh. Abhimanyu Kaushik are present in-person and are identified by their respective counsel as also by the Investigating Officer. Sh. Abhimanyu Kaushik, who is an Armed Forces Officer, is stated to be under training at Imphal for which reason he is unable to be present in-person. A photocopy of Service Certificate dated 11.01.2020 certifying this fact has been handed-up

in court and is taken on record. Considering the nature of the controversy, the personal presence of Sh. Abhimanyu Kaushik is not deemed necessary.

Under the settlement, the father-in-law, brother-in-law and sister-in-law were together required to pay a sum of Rs.17.50 lacs to the husband and wife (in the name of wife), in lieu of husband and wife vacating property bearing No.A-44A, Bhagwati Garden Extension, Uttam Nagar, New Delhi. Out of Rs.17.50 lacs, Rs.11 lacs is stated to have been paid already, the receipt of which is acknowledged by the wife in the court. The balance sum of Rs.6.50 lacs has been handed-over to the wife by way of Demand Draft No.594287 dated 26.02.2020 in the sum of Rs.6.50 lacs drawn in favour of Smt. Vaishnavi Sharma, the receipt of which the wife acknowledges. A photocopy of the Demand Draft has been handed-up in court and is taken on record. Parties confirm that the husband and wife have vacated property No. A-44A, Bhagwati Garden Extension, Uttam Nagar, New Delhi.

For clarity, the husband and wife were to live together but away from the rest of the family; and no divorce was contemplated in the settlement. Petitions are supported by affidavits of all concerned parties. Parties confirm that nothing further requires to be done under the settlement. Parties further confirm that they have no objection to the FIR being quashed.

In view of the record and the statements made in court, I am satisfied that there is no impediment in quashing the FIR. Accordingly FIR No. No.476/2015 dated 02.04.2015 registered under

Sections 498-A/406/34 IPC at PS: Uttam Nagar, New Delhi is quashed. Bail bonds, if any, be cancelled and sureties discharged.

Petitions are disposed of.

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 27, 2020

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