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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1119/2020 & CRL.M.A. 4401/2020**
SURENDER & ORS Petitioners
Through: Mr. Pravin Kumar Taank, Adv.

versus

THE STATE (NCT OF DELHI) & ANR Respondents
Through: Mr. Ashik Kumar Garg, APP for
State with HC Manisha, PS
Kanjhawala.
R-2 in person.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **28.02.2020**

CRL.M.A. 4401/2020 (Ex.)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 1119/2020

Vide the present petition, the petitioners seek quashing of the FIR No.255/2019, PS Kanjhawla registered under Sections 323/354/354(B)/506/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties and the marriage between the petitioner no.1 and the respondent no.2 has been dissolved vide a decree of divorce through mutual consent and no useful purpose would be served by the continuation of the proceedings in relation to the FIR in question.

The Investigating Officer of the case has identified the

petitioners present today in Court as being the accused arrayed in the FIR in question and has also identified respondent no.2 present in Court today as being the complainant of the said FIR.

The respondent no.2 has produced her original proof of identity, copy of which is on the record as Ex.CW2/A. The respondent no.2 in her examination on oath by the Court has affirmed having signed her affidavit Ex.CW2/B and the memorandum of understanding dated 17.01.2020 arrived at between her and the petitioner no.1 Ex.CW2/C voluntarily of her own accord without any duress, coercion or pressure from any quarter.

She further states that after the settlement arrived at between her and the petitioners, there have been no problems now and states that the petitioner no.1 is the brother of her sister-in-law i.e. Mrs. Sarla complainant of the FIR No.251/2019, PS Kanjhawla, the cross FIR and has testified to the effect that the petitioner no.2 being the mother of the petitioner no.1 and the petitioner no.3 is the sister-in-law of the said Smt. Sarla.

In as much as vide a separate order of even date, the FIR No.251/2019, PS Kanjhawla has since been quashed in view of the settlement arrived at between the parties, which is a joint settlement as per memorandum of understanding dated 17.01.2020 and taking into account also the apology rendered by the petitioner nos.1, 2 & 3 in Court today to the respondent no.2 and the settlement arrived at between the petitioners and the respondent no.2 being a joint settlement between the FIR in relation to the instant case and the other

FIR bearing No.251/2019, PS Kanjhawla, in the circumstances, it is considered appropriate to put a quietus to the litigation and disputes between the parties for maintenance of peace and harmony between them, in view thereof, the FIR No.255/2019, PS Kanjhawla registered under Sections 323/354/354(B)/506/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioners are quashed.

The petition is disposed of.

ANU MALHOTRA, J

FEBRUARY 28, 2020

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IN THE HIGH COURT OF DELHI: NEW DELHI

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CRL.M.C. 1119/2020

SURENDER & ORS Vs. THE STATE (NCT OF DELHI) & ANR

28.02.2020

CW-1 HC Manisha, PS Kanjhawala.

ON S.A.

I identify the petitioner no.1 Mr. Surender, petitioner no.2 Smt. Prakashshi and petitioner no.3 Smt. Seema as being the accused arrayed in the FIR No.255/2019, PS Kanjhawla registered under Sections 323/354/354(B)/506/34 of the Indian Penal Code, 1860. I identify the respondent no.2 Ms. Preeti as being the complainant of the said FIR.

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CRL.M.C. 1119/2020

SURENDER & ORS Vs. THE STATE (NCT OF DELHI) & ANR

28.02.2020

CW-2 Ms. Preeti, w/o Mr. Sandeep, aged 30 years, r/o Flat No.214, Rohini Sector-23, Delhi also r/o VPO, Ladpur, Tau Bihari Marg, Delhi.

I have brought my original proof of identity, copy of which is on the record as Ex.CW2/A. My affidavit in support of the averments made in the petition bears my signatures thereon at points A & B thereon on Ex.CW2/B. The memorandum of understanding dated 17.01.2020 arrived at between me and the petitioner no.1 bears my signatures as visible at point A thereon on Ex.CW2/C. I have signed all these documents voluntarily of my own accord without any duress, coercion or pressure from any quarter.

Mrs. Sarla is my Jethani and is sister-in-law of my spouse Sandeep. The petitioner no.1 is the brother of my jethani Sarla and Smt. Prakash is the mother of the petitioner no.1 and the petitioner no.3 is the sister-in-law of Smt. Sarla.

After the settlement has been arrived at between me and the petitioners, there have been no problems between me and the petitioners now. The petitioner nos.1, 2 & 3 have all apologized to me now during the course of present proceedings.

In view thereof, I do not oppose the prayer made by the petitioners seeking the quashing of the FIR No.255/2019, PS Kanjhawla registered under Sections 323/354/354(B)/506/34 of the Indian Penal Code, 1860 nor do I want the petitioners to be punished in relation thereto.

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

RO & AC
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CRL.M.C. 1119/2020

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28.02.2020

**CW-3 Mr. Surender, s/o late Mr. Om Prakash, aged 40 years, r/o
H.No.203, Village Bomdoli Pana Dada Tola, Distt. Jhajjar, Haryana.**

I apologize to the respondent no.2

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

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CRL.M.C. 1119/2020

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28.02.2020

**CW-4 Mrs. Prakash, w/o late Mr. Om Prakash, aged 65 years, r/o
H.No.203, Village Bomdoli Pana Dada Tola, Distt. Jhajjar, Haryana.**

I apologize to the respondent no.2

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

RO & AC

28.02.2020

ANU MALHOTRA, J

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CRL.M.C. 1119/2020

SURENDER & ORS Vs. THE STATE (NCT OF DELHI) & ANR

28.02.2020

**CW-5 Mrs. Seema, w/o Mr. Surender, aged 37 years, r/o H.No.203,
Village Bomdoli Pana Dada Tola, Distt. Jhajjar, Haryana.**

I apologize to the respondent no.2

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

RO & AC

28.02.2020

ANU MALHOTRA, J