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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1154/2020 & CRL.M.A. 4495/2020**

SUNIL & ORS

..... Petitioners

Through: Petitioners in person with Mr. P.S.
Singal, Advocate.

versus

THE STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Mr. Kamal Kumar Ghei, APP for
State with Insp. Rajesh Vijay, PS
DIU, Rohini.
R-2 in person with Mr. Pravin Kr.
Taank, Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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28.02.2020

CRL.M.A. 4495/2020 (Ex.)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 1154/2020

Vide the present petition, the petitioners seek the quashing of the FIR No.251/2019, PS Kanjhawala registered under Sections 323/341/354/506/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the petitioners and the respondent no.2 and that the FIR in question has apparently emanated from a matrimonial discord between the petitioner no.1 and the respondent no.2 which has since been

resolved and that the petitioner no.1 and the respondent no.2 are living together peacefully with their two minor children born of the wedlock between them and 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 3 i.e. petitioner no.1 Sunil, petitioner no.2 Sandeep and petitioner no.3 Naresh as being the three accused arrayed in the FIR No.251/2019, PS Kanjhawala registered under Sections 323/341/354/506/34 of the Indian Penal Code, 1860 and has also identified the respondent no.2 Ms. Sarla 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, reconciliation settlement arrived at between her and the petitioner no.1 at the Counselling Cell, Family Court, Rohini as visible at point A on Ex.CW2/C and the Memorandum of Understanding dated 17.01.2020 as visible at point A on Ex.CW2/D, 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 also affirmed having signed her statement under Section 164 of the Cr.P.C., 1973 dated 06.04.2019 made before the learned MM-02, Mahila Court, New Delhi, copy of the same is directed to be placed on the record by the State. The respondent no.2 in reply to a specific Court query has stated that she is now living together with the petitioner no.1 for the last 1 ½ months in view of the settlement arrived at between her and the

petitioner no.1 without any problems and has further testified to the effect that there are two children born of the wedlock between her and the petitioner no.1 i.e. a son aged 9 years and a daughter aged 3 years who live with her and the petitioner no.1. She has further testified to the effect that the house of the petitioner no.2 who has since apologized to her now in the Court, is separate from her house where she lives and that the respondent no.3 i.e. her father-in-law had assured at the time of the settlement arrived at between her and the petitioner no.1 that there would be no recurrence of the kins in relation to which the FIR was filed. The petitioner no.2 who is present in Court has since made a statement apologizing to the respondent no.2. The respondent no.2 thus submits that she does not oppose the prayer made by the petitioners seeking the quashing of the FIR No.251/2019, PS Kanjhawala registered under Sections 323/341/354/506 of the Indian Penal Code, 1860 nor does she want them to be punished in relation thereto.

The respondent no.2 has further stated that she has studied till Standard X and has understood the implications of the statement made by her and has further stated 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 in question has apparently emanated from a matrimonial discord which has since been resolved with a reconciliation between the petitioner no.1 and the respondent no.2 and they are now living

together peacefully, for maintenance of peace and harmony between the petitioners and the respondent no.2 and for the well being of the minor children, in the interest of justice, 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.251/2019, PS Kanjhawala registered under Sections 323/341/354/506/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner nos. 1 to 3 i.e. petitioner no.1 Sunil, petitioner no.2 Sandeep and petitioner no.3 Naresh are thus quashed subject to payment of costs of Rs.10,000/- by the petitioner no.2 to the respondent no.2 and the receipt in relation thereto be placed on the record by the petitioner no.2 within a week.

The file be put up by the Registry on the submission of the receipt of costs by the petitioner no.2.

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. 1154/2020

SUNIL & ORS. VS. THE STATE & ANR.

28.02.2020

CW-1 Inspector Rajesh Vijay, PS DIU Rohini.

ON S.A.

I identify the petitioner nos. 1 to 3 i.e. petitioner no.1 Sunil, petitioner no.2 Sandeep and petitioner no.3 Naresh as being the three accused arrayed in the FIR No.251/2019, PS Kanjhawala registered under Sections 323/341/354/506/34 of the Indian Penal Code, 1860 and I also identify the respondent no.2 Ms. Sarla as being the complainant of the said FIR.

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ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

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CRL.M.C. 1154/2020

SUNIL & ORS. VS. THE STATE & ANR.

28.02.2020

CW-2 Ms. Sarla, w/o Sh. Sunil, age 35 years, r/o VPO Ladpur, Tau Bihari Marg, 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. The reconciliation settlement arrived at between me and the petitioner no.1 at the Counselling Cell, Family Court, Rohini bears my signatures as visible at point A on Ex.CW2/C and the Memorandum of Understanding dated 17.01.2020 also bears my signatures as visible at point A on Ex.CW2/D, I have signed these documents voluntarily of my own accord without any duress, coercion or pressure from any quarter. I have also seen the statement made by me under Section 164 of the Cr.P.C., 1973 dated 06.04.2019 before the learned MM-02, Mahila Court, New Delhi which also bears my signatures thereon, copy of the same be placed on the record by the State.

I have since been living together with the petitioner no.1 for the last 1 ½ months in view of the settlement arrived at between me and the petitioner no.1 without any problems. There are two children born of the wedlock between me and the petitioner no.1 i.e. a son aged 9 years and a daughter aged 3 years who live with me and the petitioner no.1. The house of the

petitioner no.2 is separate from my house where I live.

In view of the settlement arrived at between me and the petitioner no.1 and in as much as, the petitioner no.2 has since apologized to me now during the course of the present proceedings and the petitioner no.3, my father-in-law had assured at the time of the reconciliation proceedings that the occurrence in relation to which the present FIR was registered, would not recur, in as much as, I am now living with the petitioner no.1 peacefully, I do not oppose the prayer made by the petitioners seeking the quashing of the FIR No.251/2019, PS Kanjhawala registered under Sections 323/341/354/506 of the Indian Penal Code, 1860 nor do I want them to be punished in relation thereto.

I have studied till Standard X.

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

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ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

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CRL.M.C. 1154/2020

SUNIL & ORS. VS. THE STATE & ANR.

28.02.2020

**CW-3 Mr. Sandeep, s/o Sh. Naresh, age 31 years, r/o r/o VPO Ladpur,
Tau Bihari Marg, Delhi.**

ON S.A.

I apologize to the respondent no.2 in relation to the allegations made in the FIR No.251/2019, PS Kanjhawala registered under Sections 323/341/354/506/34 of the Indian Penal Code, 1860.

**RO & AC
28.02.2020**

ANU MALHOTRA, J