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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1241/2020 & CRL.M.A. 4809/2020**

ROHIT DHINGRA

..... Petitioner

Through: Petitioner in person with Mr. S.K. Rungta, Mr. Madhu Sudan Bhayana & Mr. Madhav Shah, Advocates.

versus

STATE & ANR

..... Respondents

Through: Mr. Kamal Kumar Ghei, APP for State.
R-2 in person with Mr. Anirudh Garg, Advocate.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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04.03.2020

CRL.M.A. 4809/2020 (Ex.)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 1241/2020

Vide the present petition, the petitioner seeks the quashing of the FIR No.257/2019, PS Maurya Enclave under Section 498A/323 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the petitioner and the respondent no.2 as they have since reconciled their differences and are living together pursuant a mediation settlement arrived at between them on

16.12.2019 at the Delhi Mediation Centre, Rohini District Court without any problems now and no useful purpose would be served by the continuation of the proceedings in relation to the present FIR.

The respondent no.2 is represented by her counsel whose authorization is on the record who had duly identified her.

On behalf of the State, there is no opposition to the prayer made by the petitioner seeking the quashing of the FIR in question in view of the settlement arrived at between the parties.

The respondent no.2 in her deposition on oath on production of her original proof of identity has affirmed having sworn her affidavit Ex.CW2/A and the mediation settlement dated 16.12.2019 that has been arrived at at the Delhi Mediation Centre, Rohini District Courts between her and the petitioner 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 she along with her minor son is living together with the petitioner since November, 2019 without any problems now and that she wants to continue to live with the petitioner i.e. her spouse and that she does not oppose the prayer made by the petitioner seeking the quashing of the FIR No.257/2019, PS Maurya Enclave under Section 498A/323 of the Indian Penal Code, 1860 nor does she want the petitioner to be punished in relation thereto.

The respondent no.2 is apparently well educated having done her Masters and states that she has understood the implications of the statement made by her.

There appears no reason to disbelieve her statement that she has arrived at a settlement with the petitioner voluntarily of her own accord without any duress, coercion or pressure from any quarter, in as much as, the FIR has apparently emanated from a matrimonial discord between the petitioner and the respondent no.2 which has since been resolved by reconciliation between them, for maintenance of peace and harmony between the parties, 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.257/2019, PS Maurya Enclave under Section 498A/323 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner is thus, quashed.

The petition is disposed of.

ANU MALHOTRA, J

MARCH 04, 2020

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IN THE HIGH COURT OF DELHI: NEW DELHI

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CRL.M.C. 1241/2020

ROHIT DHINGRA Vs. STATE & ANR.

04.03.2020

CW-1 Rinki, d/o Mr. K.K. Khurana, w/o Mr. Rohit Dhingra, age 31 years, r/o 210, SU Block, Second Floor Pitampura and presently r/o A-3/150, Second Floor, Sector-16, Rohini, Delhi.

ON S.A.

I have brought my original proof of identity, photocopy of which is on the record as Ex.CW1/A.

My affidavit in support of the averments made in the petition bears my signatures at points A & B on Ex.CW1/B. A settlement dated 16.12.2019 was arrived at between me and the petitioner at the Delhi Mediation Centre, Rohini District Courts, Delhi and the copy of the said mediation proceedings bears my signatures as visible at point A on Ex.CW1/C. Pursuant to the said settlement, the petitioner and I along with our minor son are living together since November, 2019 without any problems now and I want to continue to live with the petitioner i.e. my spouse.

In view thereof, I do not oppose the prayer made by the petitioner seeking the quashing of the FIR No.257/2019, PS Maurya Enclave under Section 498A/323 of the Indian Penal Code, 1860 nor do I want the petitioner to be punished in relation thereto.

I have done M.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
04.03.2020

ANU MALHOTRA, J