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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1662/2019**
RAMESH CHANDRA D SHAH & ORS Petitioners
Through: **Mr. Gaurav Singh, Adv.**

versus

THE STATE & ORS Respondents
Through: **Ms. Meenakshi Dahiya, APP for State**
with ASI Vijay Pal Singh, CWC,
Nanakpura, Delhi
Mr. V.P. Singh, Adv. for R-2 with R-
2.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% 11.03.2020

Vide the present petition, the petitioners seek quashing of the FIR No.127/2010, PS CWC Nanakpura registered under Sections 498A/406/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the petitioner nos.1 & 2 and the respondent no.2 vide a compromise deed dated 14.03.2019, pursuant to which, all claims of the respondent no.2 against the present petitioner nos.1 & 2 have been settled 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 testified to the effect that the other accused Mr. Saujanya Mishra, son of the petitioner no.1 and the spouse of the respondent no.2 has since

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been declared a Proclaimed Offender. The Investigating Officer has also identified respondent no.2 present in Court today as being the complainant of the said FIR.

Vide proceedings dated 12.12.2019, the matter was renotified in as much as time had been sought on behalf of the petitioners for revalidation of the banker's cheques to be given to the respondent no.2 which are stated to have since been revalidated as per Ex.CW2/D & Ex.CW2/E, copies thereof placed on record.

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 compromise deed dated 14.03.2019 Ex.CW2/C voluntarily of her own accord without any duress, coercion or pressure from any quarter.

She has further stated that in terms of the settlement arrived at between her and the petitioners Ex.CW2/C, a total sum of Rs.5 lakhs has been agreed to be paid to her by the petitioners and she has now received the entire settled sum of Rs.5 lakhs from the petitioners vide demand drafts bearing no.021185 revalidated on 04.03.2020 and No.021183 revalidated on 05.03.2020 both for a sum of Rs.2,50,000/- in her favour both drawn on the Axis Bank Ltd., the copies of the same are on the record as Ex.CW2/D and Ex.CW2/E respectively and that there are no claims of hers left against the petitioners now.

She has further stated that though she wants to seek the continuation of the proceedings in relation to the FIR No.127/2010, PS CWC Nanakpura

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registered under Sections 498A/406/34 of the Indian Penal Code, 1860 against Mr. Saujanya Mishra, the son of the petitioner no.1, she does not seek the continuation of the proceedings in relation to the FIR in question against the petitioner nos.1 & 2 nor does she want the petitioner nos.1 & 2 to be punished in relation thereto.

She has further stated that she is a graduate and works as a Senior Manager in Genpact and has made her statement voluntarily.

On behalf of the State, there is no opposition to the prayer made by the petitioners seeking quashing of the FIR in question in view of the settlement arrived at between the petitioners and the respondent no.2 and the deposition of the respondent no.2.

As there appears no reason to disbelieve the statement made by the respondent no.2 that she has arrived at a settlement with the petitioner nos.1 & 2 only, it is considered appropriate to put a quietus to the litigation and disputes between the parties for maintenance of peace and harmony between them as also for the well being of the respondent no.2. In view thereof, the FIR No.127/2010, PS CWC Nanakpura registered under Sections 498A/406/34 of the Indian Penal Code, 1860 qua the petitioner nos.1 & 2 only is quashed.

The petition is disposed of.

ANU MALHOTRA, J

MARCH 11, 2020

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CRL.M.C. 1662/2019

RAMESH CHANDRA D SHAH & ORS Vs. THE STATE & ORS

11.03.2020

CW-1 ASI Vijay Pal Singh, CWC, Nanakpura, Delhi.

ON S.A.

I identify the petitioner no.1 Mr. Ramesh Chandra D Shah and petitioner no.2 Smt. Namita Goyal as being the accused arrayed in the FIR No.127/2010, PS CWC Nanakpura registered under Sections 498A/406/34 of the Indian Penal Code, 1860. The other accused Mr. Saujanya Mishra, spouse of the respondent no.2 has since been declared a Proclaimed Offender. I identify the respondent no.2 Ms. Deepa Walia as being the complainant of the said FIR.

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ANU MALHOTRA, J

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RAMESH CHANDRA D SHAH & ORS Vs. THE STATE & ORS

11.03.2020

CW-2 Ms. Deepa Walia, d/o late Mr. Rajendra Kumar, aged 40 years, r/o .previously r/o 103, Shikha Apartments, IP Extension, Laxmi Nagar (East Delhi), Gandhi Nagar, 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 Compromise Deed dated 14.03.2019 arrived at between me and the petitioners 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.

In terms of the settlement arrived at between me and the petitioners Ex.CW2/C, a total sum of Rs.5 lakhs has been agreed to be paid to me by the petitioners and I have now received the entire settled sum of Rs.5 lakhs from the petitioners vide demand drafts bearing no.021185 revalidated on 04.03.2020 and No.021183 revalidated on 05.03.2020 both for a sum of Rs.2,50,000/- in my favour both drawn on the Axis Bank Ltd. The copies of the same are on the record as Ex.CW2/D and Ex.CW2/E respectively. There are no claims of mine left against the petitioners now.

Though I want to seek the continuation of the proceedings in relation to the FIR No.127/2010, PS CWC Nanakpura registered under Sections 498A/406/34 of the Indian Penal Code, 1860 against Mr. Saujanya Mishra, the son of the petitioner no.1, I do not seek the continuation of the

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proceedings in relation to the FIR in question against the petitioner nos.1 & 2 nor do I want the petitioner nos.1 & 2 to be punished in relation thereto.

I am a graduate and I work as a Senior Manager in Genpact.

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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