

\$~16

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 2444/2019
HIMANSHU VASHISHT & ORS Petitioners
Through: Mr. N.R. Sharma, Adv.

versus

STATE & ANR. Respondents
Through: Mr. Sanjeev Sabharwal, APP for State
with ASI Ghanshyam, PS CAW
Nanak Pura.
Mr. Shailendra Bhardwaj, Adv. for R-
2.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **05.02.2020**

Vide the present petition, the petitioners seek quashing of the FIR No.57/2013, PS CAW Nanak Pura registered under Sections 498A/406/417/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties and all claims between the parties have since been settled and that the marriage between the petitioner no.1 and the respondent no.2 has since 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.

In terms of order dated 21.08.2019, the detailed affidavit dated 03.02.2020 of the respondent no.2 qua her claims has been placed on record. the detailed status report of the State under signature of the SHO, PS CAW Nanak Pura dated 27.01.2020 along with the copies of the seizure memos in relation to the articles of jewellery of the respondent no.2 and personal belongings has also been filed.

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 in response to the petition Ex.CW2/B and has affirmed the factum of settlement having been arrived at between her and the petitioners during the course of proceedings under Section 13B(1) of the HMA in HMA 612/2014 and has affirmed the factum of the settlement terms having been incorporated by the said settlement dated 07.01.2015 made on her behalf by her father Mr. Satyapal Sharma who is present in person and has affirmed having signed the said document Ex.CW2/C.

She has further stated that in terms of the settlement between her and the petitioners, a total sum of Rs.50 lakhs were agreed to be paid to her by the petitioner no.1, of which, a sum of Rs.12.50 lakhs stand deposited in the form of an FDR during the course of proceedings under Section 13B(1) of the HMA and the same be released to her and the balance sum of Rs.12.50 lakhs was paid to her through a demand draft during the course of proceedings under Section 13B(2) of the HMA and the balance sum of Rs.25 lakhs with interest accrued thereupon @ 7% in terms of the directions dated 15.04.2019 in CCP(REF) 3/2018 of this Court have also been paid to her.

She has *inter alia* testified to the effect that the articles of dowry and istridhan as seized by the Investigating Agency as detailed in Ex.CW1/A & CW1/B which are copies of the same document annexed to her affidavit Ex.CW2/D & Ex.CW2/E also be released to her and that on directions for the release of the FDR in HMA 612/2014 lying deposited in the learned trial Court concerned and for the release of the articles seized during the course of investigation as seized vide Ex.CW1/A & CW1/B to her, she has no opposition to the prayer made by the petitioner seeking quashing of the FIR in question.

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.

There appears no reason to disbelieve the statement of the respondent no.2 that she has arrived at a settlement with the petitioners voluntarily, she being well educated and having stated that she understands the implication of her statement.

In the circumstances, the FDR for a sum of Rs.12.50 lakhs along with the interest accrued thereupon as deposited in the course of proceedings in HMA 612/2014 between the parties before the Court of the Principal Judge, Family Court, North-West, Rohini as recorded in proceedings dated 07.01.2015 vide Ex.CW2/C, the joint statement made by the petitioner no.1 and the father of the respondent no.2, and the articles of jewellery of the respondent no.2 detailed in the seizure memo Ex.CW1/B and the personal belongings of the respondent no.2 seized vide seizure memo Ex.CW1/A in FIR No.57/2013, PS CAW Cell, Nanak Pura are directed to be released to the respondent no.2 by the learned trial Court concerned and by the

Investigating Officer, PS CAW Cell, Nanak Pura.

In view thereof, the FIR No.57/2013, PS CAW Nanak Pura registered under Sections 498A/406/417/34 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 05, 2020

vm

IN THE HIGH COURT OF DELHI: NEW DELHI

16

CRL.M.C. 2444/2019

HIMANSHU VASHISHT & ORS Vs. STATE & ANR

05.02.2020

CW-1 ASI Ghanshyam, PS CAW Nanak Pura.

ON S.A.

I identify the petitioner no.1 Mr. Himanshu Vashisht, petitioner no.2 Mr. Satya Prakash Sharma and petitioner no.3 Mrs. Prem Lata as being the accused arrayed in the FIR No.57/2013, PS CAW Nanak Pura registered under Sections 498A/406/417/34 of the Indian Penal Code, 1860. I identify the respondent no.2 Ms. Nidhi Kaushik as being the complainant of the said FIR. The copy of the seizure memos of the belongings of the respondent no.2 and articles of jewellery are annexed to the status report dated 27.01.2020 submitted under signatures of the SHO, PS CAW Nanak Pura and the copies thereof are Ex.CW1/A & CW1/B.

RO & AC

05.02.2020

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

16

CRL.M.C. 2444/2019

HIMANSHU VASHISHT & ORS Vs. STATE & ANR

05.02.2020

CW-2 Nidhi Kaushik, d/o Mr. Satya Pal Sharma, aged 36 years, r/o A-2/408, Printers Apartments, Sector-13, Rohini, Delhi.

I have brought my original Aadhaar Card, photocopy of which is on the record as Ex.CW2/A. My affidavit dated 03.02.2020 bears my signatures thereon at points A & B thereon on Ex.CW2/B and the settlement terms between me and the petitioners are incorporated through the proceedings in the joint statement recorded in HMA 612/2014 on 07.01.2015 before the Court of the Principal Judge, Family Court, North-West, Rohini that statement was made on my behalf by my father and identify his signature thereon at point A on Ex.CW2/C.

In terms of the settlement between me and the petitioners, a total sum of Rs.50 lakhs were agreed to be paid to me by the petitioner no.1, of which, a sum of Rs.12.50 lakhs stand deposited in the form of an FDR during the course of proceedings under Section 13B(1) of the HMA and the balance sum of Rs.12.50 lakhs was paid to me through a demand draft during the course of proceedings under Section 13B(2) of the HMA and the balance sum of Rs.25 lakhs with interest accrued thereupon @ 7% was paid to me through a demand draft by the petitioners. The articles of jewellery lying deposited in the Malkhana of PS CAW Cell Nanak Pura comprising of one gold chain, one pearl chain and one pearl set as seized vide seizure memo dated 28.06.2014 and my other personal belongings also seized during the course of investigation in the FIR vide another seizure memo dated

28.06.2014, copies of which are on the record as Ex.CW2/D & CW2/E are to be released to me and on the direction for release of these articles and the amount of sum of Rs.12.50 lakhs deposited in the Family Court at Rohini, I would have no opposition to the quashing of the FIR in question.

In terms of the settlement between me and the petitioners, the marriage between me and the petitioner no.1 has since been dissolved vide a decree of divorce through mutual consent under Section 13B (2) of the HMA dated 07.09.2015 in HMA Petition No.694/2015 vide a decree of the Court of the Judge, North-West, Family Courts, Rohini Courts, copy of which is on the record as Ex.CW2/F.

I have done B.Tech and MBA and I work in a Bank.

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

RO & AC
05.02.2020

ANU MALHOTRA, J