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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3146/2019**

SH. RAMESH KUMAR & ORS. Petitioners
Through: Mr.Ydhisther Sharma, Advocate

versus

STATE & ORS. Respondents
Through: Mr.Kamal Kumar Ghai, APP for State
With SI Vikas Kumar, PS Dwarka
South
Respondents No.2 and 3 in person.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **06.02.2020**

The petitioners vide the present petition seek quashing of FIR No.917/2015 PS Dwarka South, registered under Sections 323/325/395/397/427/452/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties to the petition in as much as the FIR was a consequence of a dispute between the petitioner No.3 and Pankaj Yadav, the son of the respondent No.2 and the brother of the respondent No.3 which dispute between the petitioner No.3 and Pankaj Yadav , i.e., the son of the respondent No.2 has since been resolved vide a Memorandum of Understanding dated 10.4.2017, the copy of which has been exhibited in the present proceeding on examination of the respondent No.2 on oath as EX.CW-2/C, pursuant to which the marriage between Pankaj Yadav and the petitioner No.3 has since been dissolved vide a

decree of divorce through mutual consent dated 2.11.2017 under Section 13B(2) of the HMA, 1955 in HMA No. 3148/2017 of the Court of the Principal Judge, Family Court, South-West District, Dwarka, New Delhi, the copy of which decree is on the record as EX.CW-2/D. In terms of the said Memorandum of Understanding dated 10.4.2017 between the petitioner no.3 herein and Mr.Pankaj Yadav had sought to resolve all disputes between between the families of the petitioner No.3 and the family of Pankaj Yadav and that no useful purpose would be served by the continuation of the proceedings in the FIR in question.

The Investigating Officer is present and has identified the petitioners as being the accused arrayed in FIR No.917/2015 PS Dwarka South, registered under Sections 323/ 325/ 395/ 397/ 427/ 452/34 of the Indian Penal Code, 1860 present in the Court today and has also identified the respondent No.2 present in the Court today as being the complainant and also the injured and the respondent No.3 as being the other injured of the said FIR.

The respondents No.2 and 3 in their deposition on oath affirmed the factum of settlement arrived at between the petitioner No.3 and Pankaj Yadav, son of the respondent No.2 and the brother of the respondent No.3 and have affirmed the factum of the dissolution of marriage between the petitioner No.3 and Pankaj Yadav and also all cases *inter se* between the families having been withdrawn by them. The respondents No. 2 and 3 in their deposition on oath stated that they do not oppose the prayer made by the petitioners seeking quashing of the FIR No.917/2015 PS Dwarka South, registered under Sections

323/325/395/397/427/452/34 of the Indian Penal Code, 1860 nor do they want the petitioners to be punished in relation thereto and stated that they have so stated voluntarily of their own accord without any duress, pressure or coercion from any quarter.

On behalf of the State it has been submitted that in as much as the FIR in the instant was an aftermath of the matrimonial discord between the petitioner No.3 and Pankaj Yadav, the son of respondent No.2 and the brother of respondent No.3 and taking into account that all disputes *inter se* those two persons have been sought to be resolved vide the dissolution of marriage between the petitioner No.3 and Pankaj Yadav vide a decree of divorce through mutual consent dated 2.11.2017, there is no opposition to the prayer made by the petitioners seeking quashing of FIR No.917/2015 PS Dwarka South, registered under Sections 323/325/395/397/427/452/34 of the Indian Penal Code, 1860.

On a consideration of the deposition of the respondent No.2 and 3, there being no reason to disbelieve the statement that they have arrived at a settlement with the petitioners voluntarily of their own accord without any duress, pressure or coercion from any quarter and as it is apparent through the averments made in the FIR itself that the FIR was an aftermath of the matrimonial discord between the petitioner No.3 and the son of respondent No.2 and the brother of respondent No.3, with the petitioners No.1,2, 4, 5 and 6 being the family members and respondent No.2 and 3 being the in-laws of the petitioner No.3 and that the marriage between the petitioner No.3 and Pankaj Yadav has since been dissolved vide a decree of divorce

through mutual consent dated 2.11.2017 and all the disputes having been resolved with all the cases having been withdrawn *inter se*, it is considered appropriate to put a quietus to the litigation between the parties and for maintenance of peace and harmony between them, the FIR No.917/2015 PS Dwarka South, registered under Sections 323/325/395/397/427/452/34 of the Indian Penal Code, 1860 and all proceedings emanating therefrom against the petitioners are thus quashed.

The petition is disposed of.

ANU MALHOTRA, J

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RAMESH KUMAR & ORS. V. STATE & ANR.

**CW-1 SI VIKAS KUMAR PS DWARKA SOUTH
ON S.A.**

I identify the petitioners No. 1 to 6, namely, Ramesh Kumar, Deepak Yadav, Sakshi yadav, Saurabh Yadav, Sunil Yadav @Sonu and Dharambir as being the accused arrayed in FIR No.917/2015 PS Dwarka South, registered under Sections 323/325/395/397/427/452/34 of the Indian Penal Code, 1860 present in the Court today. I also identify the respondent No.2 present in the Court today as being the complainant and also the injured and the respondent No.3 as being the other injured of the said FIR.

ANU MALHOTRA, J.

**RO & AC
05.02.2020**

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RAMESH KUMAR & ORS. V. STATE & ANR.

**CW-2 SAROJ W/O SH. SHRI KRISHAN, AGED 50 YEARS R/O H. NO. 71, DEV PUBLIC SCHOOL, SECTOR-8, BAGDOLA VILLAGE, DWARKA, NEW DELHI.
ON S.A.**

I have brought my original proof of identity, i.e., the Aadhar Card. The copy of the same is EX.CW-2/A.

My affidavit in support of the averments made in the petition bears my signatures at points A and B on EX.CW-2/B. A settlement was arrived at between the petitioner No.3 and my son Pankaj Yadav vide a Memorandum of Understanding dated 10.4.2017 on which I have signed as a witness thereto at Point A on Ex.CW-2/C. In terms of the said MOU dated 10.4.2017 arrived at between the petitioner No.3 and my son Pankaj Yadav, the marriage between the petitioner No.3 and my son Pankaj Yadav has since been dissolved vide a decree of divorce through mutual consent under 13B(2) dated 2.11.2017 in HMA No. 3148/2017 of the Court of the Principal Judge, Family Court, South-West District, Dwarka, New Delhi, copy of which is EX.CW-2/D and all cases between the parties pursuant to the said MOU EX.CW-2/C having been withdrawn and in terms of the EX.CW-2/C, vide clause 7 thereof which reads to the effect:

“ 7. That the second party will also withdraw/quashed his case bearing no.917/dated 29.11.2015 U/s 452/427/397/395/325/34 of the Indian Penal Code, 1860, PS Dwarka South, Distt. South-West, Delhi and co-operate in every manner required.”

In view of the same, I do not oppose the prayer made by the petitioners seeking quashing of the FIR No.917/2015 PS Dwarka South, registered under Sections 323/325/395/397/427/452/34 of the Indian Penal Code, 1860 nor do I want the petitioners to be punished in relation thereto. I have studied till standard V and have understood the implications of the statement made by me. I have so stated voluntarily of my own accord without any duress, pressure or coercion from any quarter.

ANU MALHOTRA, J.

RO & AC
05.02.2020

Item No. 14

CRL.M.C. 3146/2019

RAMESH KUMAR & ORS. V. STATE & ANR.

**CW-3 RAHUL YADAV S/O SH. SHRI KRISHAN, AGED 27 YEARS R/O
H. NO. 71, DEV PUBLIC SCHOOL, SECTOR-8, BAGDOLA VILLAGE,
DWARKA, NEW DELHI.
ON S.A.**

I have brought my original proof of identity, i.e., the Election Commission Identity Card. The copy of the same is EX.CW-3/A.

My affidavit in support of the averments made in the petition bears my signatures at points A and B on EX.CW-3/B. I have signed this document voluntarily of my own accord without any duress, pressure or coercion from any quarter. In view of the settlement arrived at between my brother Pankaj Yadav and the petitioner No.3, the erstwhile wife of my brother Pankaj Yadav, and vide a Memorandum of Understanding dated 10.4.2017 copy of which is on the record as EX.CW-2/C and in view of the dissolution of the marriage between the petitioner No.3 and my brother Pankaj Yadav vide a decree of divorce through mutual consent under 13B(2) dated 2.11.2017 in HMA No. 3148/2017 of the Court of the Principal Judge, Family Court, South-West District, Dwarka, New Delhi, copy of which on the record is EX.CW-2/D and in as much as all cases between the parties have since been withdrawn I do not oppose the prayer made by the petitioners seeking quashing of the FIR No.917/2015 PS Dwarka South, registered under Sections 323/325/395/397/427/452/34 of the Indian Penal Code, 1860 nor do I want the petitioners to be punished in relation thereto. I have done B.A. and am pursuing LL.B. (III year) and have understood the

implications of the statement made by me. I have so stated voluntarily of my own accord without any duress, pressure or coercion from any quarter.

ANU MALHOTRA, J.

RO & AC
05.02.2020