

Dalbir Singh & Ors vs Govt. Of Nct Of Delhi & Anr on 23 March, 2021

Author: Anu Malhotra

Bench: Anu Malhotra

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IN THE HIGH COURT OF DELHI AT NEW DELHI
CRL.M.C. 973/2021 & CRL.M.A. 4932/2021
DALBIR SINGH & ORS.

..... Petitioners

Through: Mr. Tushar Dua, Adv. with
petitioners (through video
conferencing)

versus

GOVT. OF NCT OF DELHI & ANR.

..... Respondent

Through: Mr. Sanjeev Sabharwal, APP for State
with W/SI Priyanka, PS Tilak Nagar.
R-2 in person (through video
conferencing)

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA
ORDER

% 23.03.2021 CRL.M.A. 4932/2021(Exemption) Exemption allowed, subject to just exceptions.

Vide the present petition, the petitioners seek quashing of the FIR No.642/2020, PS Tilak Nagar, under Sections 498A/406/34 of the Indian Penal Code, 1860 submitting inter alia to the effect that a settlement has since been arrived at between the parties and that the re-conciliation has been effected between the petitioner no.1 and the respondent no.2 who are living together peacefully and that no useful purpose would be served by the continuation of the said FIR.

The Investigating Officer deputed to attend the proceedings has identified the petitioner nos.1, 2, 3 & 6 present through video conferencing Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:26.03.2021 19:29:08 This file is digitally signed by PS to HMJ ANU MALHOTRA.

as being those who had joined the investigation but has been unable to identify the petitioner nos.4, 5 & 7 submitting that they had not joined the investigation of the case. However, the petitioner nos.4, 5 & 7 and all other petitioners are identified by the complainant/ respondent no.2 who has been identified by the Investigating Officer as being the complainant of the FIR. In view thereof, it is apparent that all the petitioners to the present petition have joined the proceedings.

The respondent No.2 in her deposition on oath in replies to specific Court queries has affirmed the factum of a settlement arrived at between her and the petitioner no.1 and the factum of re-conciliation having been effected between her and the petitioner no.1 pursuant to the Mediation Settlement dated 19.01.2021 arrived at at the Delhi Mediation Centre, THC. She also states that she has been living now with the petitioner no.1 along with her two daughters from 21.01.2021. She further states that she is living peacefully and she has now no problem with any of the petitioners and she wants to continue to live with the petitioner no.1 and her children and that thus she does not oppose the prayer made by the petitioners seeking quashing of the FIR No.642/2020, PS Tilak Nagar, under Sections 498A/406/34 of the Indian Penal Code, 1860 nor does she want the petitioners to be punished in relation thereto. She further states that she is a graduate and has a teaching diploma and has understood the implications of the statement made by her.

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 parties.

Apparently, the respondent no.2 being a graduate is educated enough Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:26.03.2021 19:29:08 This file is digitally signed by PS to HMJ ANU MALHOTRA.

to understand the implication of her statement. There appears no reason to disbelieve her statement that she has made voluntarily. As the FIR in question has apparently emanated from a matrimonial discord which has since been resolved and the re-conciliation between the petitioner no.1 and the respondent no.2 having been effected, it is considered appropriate to put a quietus to the litigation between the parties qua the FIR in question and for the maintenance of peace and harmony between them and for the well being of the minor children born of the wedlock between the petitioner no.1 and the respondent no.2, FIR No.642/2020, PS Tilak Nagar, under Sections 498A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioners are thus quashed.

The petition is disposed of.

ANU MALHOTRA, J MARCH 23, 2021 vm Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:26.03.2021 19:29:08 This file is digitally signed by PS to HMJ ANU MALHOTRA.

IN THE HIGH COURT OF DELHI AT NEW DELHI DALBIR SINGH & ORS. Vs. GOVT. OF NCT OF DELHI & ANR 23.03.2021 CW-1 SI Priyanka, PS Tilak Nagar.

I have been deputed on behalf of the Investigating Officer W/SI Saroj in FIR No.642/2020, PS Tilak Nagar, under Sections 498A/406/34 of the Indian Penal Code, 1860.

I identify the petitioner no.1 Mr. Dalbir Singh, petitioner no.2 Mr. Sarabjeet Singh, petitioner no.3 Ms. Manpreet Kaur and petitioner no.6 Mrs. Balwinder Kaur present through video conferencing as being the accused arrayed in the instant case. The petitioner no.4 Mr. Ranjit Singh, petitioner no.5 Mrs. Ranjit Kaur and petitioner no.7 Ms. Swarnjeet Kaur have not joined the investigation.

I also identify the respondent no.2 Ms. Sonia present through video conferencing as being the complainant of the said FIR.

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IN THE HIGH COURT OF DELHI AT NEW DELHI DALBIR SINGH & ORS. Vs. GOVT. OF NCT OF DELHI & ANR 23.03.2021 CW-2 Ms. Sonia, w/o Mr. Dalbir Singh, d/o Mr. Tirath Singh, age 33 years, r/o RZ-124, Vishnu Garden, West Delhi, presently R/o P.O. Box 2826, Pin Code 211, Salalah, Oman.

On S.A. I do not oppose the prayer made by the petitioner nos.1 to 7, whom I identify, seeking quashing of the FIR No.642/2020, PS Tilak Nagar, under Sections 498A/406/34 of the Indian Penal Code, 1860 in view of the settlement arrived at between me and the petitioner no.1 on 19.01.2021 at the Delhi Mediation Centre, THC, pursuant to which, I and the petitioner no.1 along with my two daughters are living together peacefully from 21.01.2021. There are no problems between me and the petitioner nos.1 to 7 now. I want to continue to live with the petitioner no.1 and my children. I thus do not want the petitioners to be punished in relation the FIR nor do I want any proceedings in the said FIR.

I am a graduate and have a teaching diploma. I have understood the implications of making my statement which I have made voluntarily of my own accord without any duress, pressure or coercion from any quarter. I do not need to think again.

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