

Hemant Singh Tanwar & Ors vs State Of Nct Of Delhi & Anr on 25 September, 2020

Author: Anu Malhotra

Bench: Anu Malhotra

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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.M.C. 788/2020 & CRL.M.A. 3254/2020, CRL.M.A. 3256/2020

HEMANT SINGH TANWAR & ORS

.... Petiti

Through: Mr. Ashok Kr. Singh, Ms. Vini
Singh, Ms. Sonakshi Monga, Ms.
Ankita Baluni, Mr. Tanishq Meh
Mr. Sandeep K. Bhardwaj & Mr.
Deepak Kumar, Adv. with petiti

versus

STATE OF NCT OF DELHI & ANR

..... Responde

Through: Mr. Ashok Kr. Garg, APP for Sta
with SI Lalita.

Mr. Naseem Akhtar, Adv. for R-2
with R-2.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% 25.09.2020 The Investigating Officer in reply to a specific Court query submits that she has verified the power of attorneys executed by Shri Hemant Singh Tanwar, petitioner no.1 in favour of Shri Kuldeep and by Shri Mohan Singh Tanwar, the petitioner no.2 and Shashi Tanwar, the petitioner no.3 in favour of Shri Narender Singh and submits further that she has conducted a physical verification of the said documents. In reply to a further Court query, the Investigating Officer submits that she had a telephonic conversation with the petitioner nos.1, 2 & 3 verifying the factum of the execution of the power of attorneys in favour of Shri Kuldeep and Shri Narender Singh. The Investigating Officer in reply to a further Court query submits that apart from the three petitioners arrayed in the memo of parties there are no other accused in the instant case.

The respondent no.2 present through video conferencing has been examined on oath by the Court and her statement has been recorded through video conferencing. She affirms the factum of a settlement having been arrived at between her and the petitioners through her elders and affirms having signed the same voluntarily of her own accord without any duress or coercion from any quarter. She also stated that she has done post-graduation in computer and works as a Project Manager and she has understood the implications of the statement that she has made voluntarily without coercion from any quarter. She has further stated that in terms of the said settlement, a total sum of Rs.10 lakhs was agreed to be paid to her by the petitioners, of which, a sum of

Rs.2,50,000/- has been paid to her by the petitioners and the balance sum of Rs.7,50,000/- is to be paid at the time of the quashing of the FIR in question and on receipt of the same, she would have no objection to the quashing of the FIR in question and that she does not want the petitioners to be punished in relation thereto.

In reply to a specific Court query, learned counsel for the petitioners submits that the petitioners have no intention to challenge the decree dated 11.12.2017 of the Court of the Addl. Principal Judge in HMA No.764/2014 whereby the marriage between the petitioner no.1 and the respondent no.2 was dissolved vide a decree of divorce under Sections 13 (1) (ia) & (ib) of the Hindu Marriage Act, 1955.

On behalf of the petitioners it has been submitted that before the next date of hearing, the draft for Rs.7,50,000/- i.e. the balance of the settled amount would be handed over to the respondent no.2 and the receipt thereof would be placed on record with the affidavit on behalf of the petitioner.

In the circumstances, the matter be renotified for 01.10.2020.

ANU MALHOTRA, J SEPTEMBER 25, 2020 vm IN THE HIGH COURT OF DELHI: NEW DELHI
HEMANT SINGH TANWAR & ORS Vs. STATE OF NCT OF DELHI & ANR 25.09.2020 CW-1 SI
Lalita, Police Station Mundka I have verified the power of attorneys executed by Shri Hemant Singh Tanwar, petitioner no.1 in favour of Shri Kuldeep and by Shri Mohan Singh Tanwar, the petitioner no.2 and Shashi Tanwar, the petitioner no.3 in favour of Shri Narender Singh. I have conducted a physical verification of the said documents. I had a telephonic conversation with the petitioner nos.1, 2 & 3 verifying the factum of the execution of the power of attorneys in favour of Shri Kuldeep and Shri Narender Singh.

I state that apart from the three petitioners arrayed in the memo of parties there are no other accused in the instant case I identify the respondent no.2 Ms. Laxmi, present in the Court today, through Video Conferencing as being the complainant of the FIR 37/2010, PS Mundka registered under sections 498A/406/34 of IPC, 1860.

R0 & AC
25.09.2020

ANU MALHO

IN THE HIGH COURT OF DELHI: NEW DELHI

HEMANT SINGH TANWAR & ORS Vs. STATE OF NCT OF DELHI & ANR 25.09.2020 CW-2 MS. LAXMI, D/O SH. VIJAY KUMAR RAGHAV, R/O H. NO. 3905, PANOASIS APARTMENTS, SECTOR-70, NOIDA AND PERMANENT R/O 37, ARVIND ENCLAVE, ROHTAK RAOD, NANGLOI, DELHI.

ON S.A. I am the complainant of FIR 37/2010, PS Mundka. This FIR was got registered by me against Hemant Singh Tanwar, Mohan Singh Tanwar and Shashi Tanwar under Section 498A/406/34 of the Indian Penal Code, 1860.

The marriage between me and the petitioner No.1 has since been dissolved vide a decree of divorce through mutual consent under Section 13 (1) (ia) & (ib) of the Hindu Marriage Act, 1955 dated 11.12.2017 in HMA No. 764/2014 of the Court of the Addl. Principal Judge, Family Courts, West, THC, New Delhi. There is no child born of the wedlock between me and the petitioner no.1.

A settlement has been arrived at between the elders of the family, which I have accepted and which I have signed voluntarily of my own accord without any duress or coercion from any quarter. In terms of the said settlement, a total sum of Rs.10 lakhs was agreed to be paid to me by the petitioners, of which, a sum of Rs.2,50,000/- has been paid to me and the balance sum of Rs.7,50,000/- is to be paid at the time of the quashing of the FIR. After receipt of the balance sum of Rs.7,50,000/-, there would be no claims of mine left against the petitioners and thereafter, I do not oppose the prayer made by the petitioners seeking quashing of the FIR in question.

I have done post-graduation in computers and work as a Project Manager.

I have made my statement after understanding the implications of the statement and I have made this statement voluntarily of my own accord without any duress or coercion from any quarter.

ANU MALHOTRA, J.

RO & AC 25.09.2020