

Tripta Puri And Anr vs Harjinder Kaur on 28 February, 2023

Author: Amit Sharma

Bench: Amit Sharma

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* IN THE HIGH COURT OF DELHI AsT NEW DELHI
+ CRL.M.C. 4177/2022 & CRL.M.A. 5379/2023
TRIPTA PURI AND ANR.

Through: Mr. Rishi Manchanda
versus

HARJINDER KAUR

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% 28.02.2023 The present application under Section 482 of the Cr.P.C. seeks following reliefs:-

"In view of the aforesaid facts and circumstances and further in the interest of justice, it is humbly prayed that this Hon'ble Court may kindly be pleased to:

a) Permit the Petitioner to deposit the 20% amount with the Learned Additional Sessions Judge in terms of the order dated 22.02.2022;

b) Direct the Learned Additional Sessions Judge to not take any coercive action against the Petitioners during the pendency of the present matter and the order passed by the Learned Additional Sessions Judge on 03.12.2022 and the subsequent orders thereupon may kindly be set aside; and

c) Pass such further order/s, as this Hon'ble Court may be deem fit.

and proper."

Learned counsel appearing on behalf of the petitioners submits that despite last opportunity being granted by this Court vide order dated 24.11.2022, the latter could not pay 20% of the compensation amount which was to be deposited before the learned appellate Court till 30.11.2022.

In consequence of the aforesaid default the learned appellate Court had issued non-bailable warrants against the petitioners and proceeded with the execution. Learned counsel appearing on behalf of the petitioners has handed up in Court today a photocopy of a demand draft dated 27.02.2023, bearing No. 517737, in favour of the Principal District and Sessions Judge, West, for an amount of Rs. 20,00,000/-, drawn on ICICI Bank, Punjabi Bagh, New Delhi.

It is submitted that the petitioners are willing to deposit the same before Ms. Neha Paliwal Sharma, ASJ-05(W), Tis Hazari Courts, Delhi.

Issue notice to the respondent, on petitioner taking necessary steps, through all permissible modes, including electronic mail, if any, returnable on 05.04.2023, before the Roster Bench.

On the petitioner depositing the aforesaid demand draft with the appellate Court, no coercive steps shall be taken against the petitioner, till the next date of hearing.

Copy of this order be given dasti under the signatures of the Court Master.

AMIT SHARMA, J FEBRUARY 28, 2023/sn \$~64 * IN THE HIGH COURT OF DELHI AT NEW DELHI + BAIL APPLN. 25/2023 & CRL.M.(BAIL) 8/2023, CRL.M.A. MIHIR HITENDRA PANCHAL Petitioner Through: Mr. Piyush Dwivedi and Mr. Yatharth Singh, Advocates.

versus STATE OF NCT OF DELHI Respondent Through: Mr. Aman Usman, APP for the State.

SI Sandeep Saini, PS Cyber, South.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA ORDER % 28.02.2023 Learned counsel appearing on behalf of the applicant submits that during the pendency of the present application, the matter has been amicably settled with the complainant and in pursuance of the same a Memorandum of Understanding dated 21.02.2023 has been entered into by the parties.

Copy of the same has been supplied to the Investigating Office. Let the same be verified before the next date of hearing.

Issue notice to the complainant, to be served through the Investigating Officer, returnable on 03.03.2023, before the Roster Bench.

AMIT SHARMA, J FEBRUARY 28, 2023/sn \$~63 * IN THE HIGH COURT OF DELHI AT NEW DELHI + BAIL APPLN. 3327/2022 & CRL.M.A. 25011/2022 SAROJ SUBUDHI Petitioner Through: Mr. Aditya Aggarwal, Mr. Naveen Panwar and Ms. Kajol Garg, Advocates.

versus STATE GOVT. OF NCT OF DELHI Respondent Through: Mr. Aman Usman, APP for the State.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA ORDER % 28.02.2023 Re-notify before Roster Bench on 10.03.2023.

AMIT SHARMA, J FEBRUARY 28, 2023/sn \$~62 * IN THE HIGH COURT OF DELHI AT NEW DELHI JUBER@JUBERUDDIN Petitioner Through: Mr. Aditya Aggarwal, Mr. Naveen Panwar and Ms. Kajol Garg, Advocates.

versus STATE (GOVT. OF NCT OF DELHI) Respondent Through: Mr. Manjeet Arya, APP for the State.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA
ORDER
% 28.02.2023

Learned APP for the State submits that the status report with respect to the present application shall be filed during the course of the day. Let the same be done.

List before Roster Bench on 03.03.2023.

AMIT SHARMA, J FEBRUARY 28, 2023/sn \$~59 * IN THE HIGH COURT OF DELHI AT NEW DELHI + BAIL APPLN. 614/2023 & CRL.M.A. 5051/2023 (Exemption) SOUBHAGYA @ RAHUL Petitioner Through: Mr. Hemant Shah, Advocate versus NCT OF DELHI Respondent Through: Mr. Aman Usman, APP for the State. CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA
ORDER
% 28.02.2023

At request of learned counsel appearing on behalf of the applicant, re-notify on 06.03.2023, before the Roster Bench.

FEBRUARY 28, 2023/sn

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

JAMSHED ALAM

Through:

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Mr. Rajiv Rohan, Mr. R.K.
Mr. Udata Singh, Advocat

versus

STATE

Through:

.....
Mr. Aman Usman, APP for
SI Himanshu, PS Bhajanpu
Complainant in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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28.02.2023

The present application under Section 438 read with Section 482 of the Cr.P.C. seeks anticipatory bail in case FIR No. 612/2021, under Sections 420/406/506/34 of the IPC, registered at P.S. Bhajanpura, Delhi.

Learned counsel appearing on behalf of the applicant submits that during the pendency of the present application, the dispute has been settled amicably with the complainant as per the Memorandum of Understanding dated 19.01.2022.

Learned APP for the State, on instructions from the Investigating Officer, who is present in Court today, submits that the same has been verified and the parties have entered into the aforesaid Memorandum of Understanding dated 19.01.2022.

The complainant, is present in Court today and has been duly identified by the Investigating Officer, submits that the matter has been compromised with the applicant and he has no objection if the present application is allowed.

In view of the aforesaid, the application is allowed and in the event of arrest, the applicant is released on bail on his furnishing a personal bond in the sum of Rs. 25,000/- alongwith one surety of like amount to the satisfaction of the Arresting Officer/Investigating Officer, further subject to following conditions:

- i. The applicant shall not leave the country without prior permission of learned trial Court.
- ii. The applicant shall intimate learned trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address. iii. The applicant shall appear before the learned trial Court as and when the matter is taken up for hearing.
- iv. The applicant shall provide his mobile number to the Investigating Officer and intimate about any change.

Order be uploaded on the website of this court forthwith.

AMIT SHARMA, J FEBRUARY 28, 2023/sn \$~65 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CRL.M.C. 6011/2022, CRL.M.A. 23570/2022, CRL.M.A. 5368/2023 VIKRANT@VIKU & ORS. Petitioner Through: Mr. Vijay Kinger, Mr. Ashwani Gehlot, Ms. Roopa Nagpal, Advocates.

versus STATE-GOVT. OF NCT OF DELHI & ANR. Respondents Through: Mr. Hemant Mehla, APP for the State with S.I. Ankit, P.S. Jyoti Nagar.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

28.02.2023

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The present petition filed under Section 482 of the Cr.P.C. seeks quashing of FIR No. 419/2020, under Sections 498A/406/34 of the IPC, registered at P.S. Jyoti Nagar.

The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 27.04.2016 as per Hindu Rites and Ceremonies and one male child, namely Master Aarav, was born out of the said wedlock.

Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties resided separately from 10.06.2019. Subsequently, respondent no.2/complainant lodged a complaint against the petitioners.

On 03.11.2020, parties arrived at a settlement and as per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs. 2,00,000/- to the respondent no.2/wife towards full and final settlement of all her claims including istridhan, permanent alimony and maintenance - present, past and future.

In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 20.04.2022, passed by Mr. Ajay Pandey, Judge, Family Court, Shahdara District, Karkardooma Courts, Delhi (Annexure A1). Further, as per the settlement deed, an amount of Rs. 1,25,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 75,000/- has been paid to her in Court today, in Cash. As per the said settlement, custody of the minor child will be with respondent no. 2 and petitioner no. 1 will have no visitation rights.

Petitioners and complainant/respondent no. 2 are present before the Court and have been duly identified by their respective counsel, as well as the Investigating Officer, S.I. Ankit, P.S. Jyoti Nagar.

The Complainant/respondent No.2 states that the matter has been settled with the petitioners and she has no objection if the FIR is quashed against the petitioners. She further states that all the terms of the settlement have been complied with.

In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR is quashed.

In *Gian Singh v. State of Punjab* (2012) 10 SCC 303, Hon'ble Supreme Court has recognized the need of amicable resolution of disputes by observing as under:-

"61. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings."

In view of the aforesaid circumstances, and the fact that the parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 419/2020, under Sections 498A/406/34 of the IPC, registered at P.S. Jyoti Nagar. In the interest of justice, the petition is allowed, and the FIR No. 419/2020, under Sections 498A/406/34 of the IPC, registered at P.S. Jyoti Nagar, is hereby quashed.

It is however directed that this order shall not come in the way of the minor child in claiming her rights of inheritance, maintenance, educational & marriage expenses, etc. against any of the parties.

Petition is allowed and disposed of accordingly. Pending application(s), if any, also stand disposed of.

FEBRUARY 28, 2023/ab

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IN THE HIGH COURT OF DELHI AT NEW DELHI

MAHF00Z ALAM

Through: Counsel (appearance not

versus

NATIONAL INVESTIGATION AGENCY

Through: Mr. Rahul Tyagi, SPP wit
Sudeep Raj Saini, Mr. Ja
Aashish Chojar, Advocate

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

28.02.2023

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At request of learned counsel for the parties, re-notify before the roster bench on 02.03.2023.

AMIT SHARMA, J FEBRUARY 28, 2023/ab