

Joginder Kumar & Ors vs The State & Anr on 16 March, 2021

Author: Anu Malhotra

Bench: Anu Malhotra

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 877/2021 & CRL.M.A. 4401/2021

JOGINDER KUMAR & ORS.

..... Petitioner

Through: Petitioners in person with Mr.Radhey
Shyam Sharma, Advocate.

versus

THE STATE & ANR.

..... Respondent

Through: Mr. Raghuvinder Varma, APP for
State with SI Manisha Yadav, PS
Chhawala.

R-2 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% 16.03.2021

CRL.M.A. 4401/2021 (Ex.)

Exemption allowed subject to all just exceptions. The application stands disposed of.

The petitioners, vide the present petition seek the quashing of the FIR No.389/2019, PS Chhawala under Sections 498A/406/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the petitioner no.1 and the respondent no.2 vide a Memorandum of Understanding dated 06.12.2019, pursuant to which the marriage between the petitioner no.1 and the respondent no.2 has since been dissolved vide a decree of divorce through mutual consent under Section 13B(2) of the HMA, 1955 in HMA Petition No.346/2020 vide a decree dated 18.02.2020 of the Court of the learned Judge, Family Court, Dwarka, New Delhi and that all the claims of the petitioners and the respondent no.2 have since been settled by the total payment of the settled sum of Rs.1,50,000/- to the respondent no.2 by the petitioners of which the payment of Rs.1,00,000/- was made previously during the course of the proceedings under Section 13B(1) and Section 13B(2) of the HMA and the balance sum of Rs.50,000/- having been paid to the respondent no.2 during the course of the present proceedings vide a demand draft bearing No.098120 dated 10.02.2021 drawn on the SBI Bank in favour of the respondent no.2 and that there being no useful purpose that would be served by the continuation of the proceedings in relation to the present FIR.

The Investigating Officer of the case is present and has identified the petitioner nos. 1 to 4 i.e. petitioner no.1 Jogender Kumar, petitioner no.2 Karambir Singh, petitioner no.3 Smt. Savitri Devi and petitioner no.4 Ms.Savita as being the four accused arrayed in the said FIR and has also

identified the respondent no.2 Ms.Monika as being the complainant thereof.

The respondent no.2 in her deposition on oath in replies to specific Court queries has affirmed the factum of dissolution of her marriage with the petitioner no.1 vide a decree of divorce through mutual consent aforementioned as well as the settlement of all her claims against the petitioners vide a Memorandum of Understanding executed between her and the petitioner no.1 and states that she does not oppose the prayer made by the petitioners seeking the quashing of the FIR No.389/2019, PS Chhawala under Sections 498A/406/34 of the Indian Penal Code, 1860 nor does she want them to be punished in relation thereto. Inter alia she states that she has so stated voluntarily of her own accord without any duress, coercion or pressure from any quarter and that she has understood the implications of the statement made by her. In reply to a specific Court query, she also states that she has since remarried.

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 deposition of the respondent no.2 and the settlement arrived at between the parties.

In view of the deposition of the respondent no.2 and there being no reason to disbelieve her statement that she has arrived at a settlement with the petitioners voluntarily of her own accord without any duress, coercion or pressure from any quarter and there being no child born of the wedlock between the petitioner no.1 and the respondent no.2 and the FIR having emanated from a matrimonial discord between the petitioner no.1 and the respondent no.2 which has since been resolved by the dissolution of marriage between them, for maintenance of peace and harmony between the parties and for the well being of the respondent no.2 who has since remarried, it is considered appropriate to put a quietus to the litigation between the parties qua the FIR in question.

In view thereof, the FIR No.389/2019, PS Chhawala under Sections 498A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner nos. 1 to 4 i.e. petitioner no.1 Jogender Kumar, petitioner no.2 Karambir Singh, petitioner no.3 Smt. Savitri Devi and petitioner no.4 Ms.Savita are thus quashed.

The petition is disposed of accordingly.

ANU MALHOTRA, J MARCH 16, 2021 'Neha Chopra' IN THE HIGH COURT OF DELHI: NEW DELHI JOGINDER KUMAR & ORS. versus THE STATE & ANR 16.03.2021 CW-1 SI Manisha Yadav, PS Chhawala.

ON S.A. I am the Investigating Officer of FIR No.389/2019, PS Chhawala under Sections 498A/406/34 of the Indian Penal Code, 1860.

I identify the petitioner nos. 1 to 4 i.e. petitioner no.1 Jogender Kumar, petitioner no.2 Karambir Singh, petitioner no.3 Smt. Savitri Devi and petitioner no.4 Ms.Savita as being the four accused arrayed in the said FIR and I also identify the respondent no.2 Ms.Monika as being the complainant thereof.

R0 & AC
16.03.2021

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

JOGINDER KUMAR & ORS. versus THE STATE & ANR
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CW-2 Ms.Monika, D/o Sh. Shri Ram, aged 28 years, R/o Kharkhri Nahar, Najafgarh, New Delhi.

ON S.A. In view of the settlement arrived at between me and the petitioner no.1 vide a Memorandum of Understanding dated 06.12.2019 and the dissolution of marriage between me and the petitioner no.1 vide a decree of divorce through mutual consent under Section 13B(2) of the HMA, 1955 in HMA Petition No.346/2020 vide a decree dated 18.02.2020 of the Court of the learned Judge, Family Court, Dwarka, New Delhi and as all my claims against the petitioners have since been settled via payment of total settled sum of Rs.1,50,000/- to me by the petitioners of which a sum of Rs.1,00,000/- has been received by me previously and the balance sum of Rs.50,000/- has been handed over to me today during the course of the present proceedings by the petitioners vide a demand draft bearing No.098120 dated 10.02.2021 drawn on the SBI Bank in my favour with there being no claims of mine left against the petitioners, I thus, do not oppose the prayer made by the petitioners seeking the quashing of the FIR No.389/2019, PS Chhawala under Sections 498A/406/34 of the Indian Penal Code, 1860 nor do I want them to be punished in relation thereto.

I have studied till Standard VII and I have since remarried. I have made my statement after understanding the implications thereof voluntarily of my own accord without any duress, coercion or pressure from any quarter.

R0 & AC
16.03.2021

ANU MALHOTRA, J