

Pabudan Singh Shekhawat & Ors vs The State Govt Of Nct Of Delhi on 21 March, 2018

Author: Mukta Gupta

Bench: Mukta Gupta

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(CRL) 89/2018

PABUDAN SINGH SHEKHAWAT & ORS

... Petitioners

Represented by: Mr.Narendra Singh, Advocate

versus

THE STATE GOVT OF NCT OF DELHI

.... Respondent

Represented by: Mr.R.S.Kundu, ASC for the
State with Mr.Premsagar Pal and
Ms.Suman Saharan, Advocates.
SI Praveen Attri, PS Mangol
Puri
Mr.Bhupesh Saini, Advocate for
respondent No.2

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% 21.03.2018 By the present petition the petitioners seek quashing of FIR No.375/2016 under Sections 498A/406/34 IPC registered at PS Mangol Puri, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned APP for the state on instruction submits that in the above noted FIR five petitioners are the only accused and respondent No.2 the only complainant/victim.

The above FIR was lodged by respondent No. 2 against her in-laws and a cousin brother-in-law after her husband Ashok Singh Shekhawat died on 26th February, 2014 at District Dodha, Jammu and Kashmir, while he was posted at 10 Ratputana Rifles.

Petitioners No.1 and 2 are the father-in-law and mother-in-law of respondent No.2, the petitioners No.3 and 4 are the real brothers-in-law and petitioner No.5 is the cousin brother of deceased husband of respondent No.2.

Respondent No. 2 is present in Court and is identified by the learned counsel and the Investigating Officer. She states that she has settled the matter with the petitioners vide Compromise Deed dated

6 th April, 2017 copy whereof is at pages 74 to 77 of the present petition. Pursuant to the settlement a sum of 3,70,200/- in the name of late Ashok Singh Shekhawat, husband of respondent No.2 where his mother i.e. petitioner No.2 was a nominee, has been transferred to respondent No.2. The petitioners have also handed over a sum of 2,50,000/- to the respondent No.2 besides her jewellery articles. She further states that son Master Sameedhar Singh Shekhawat, born from the wedlock of respondent No. 2 and late Shri Ashok Singh Shekhawat would be entitled to 1/4th share in the ancestral property and on the death of his grandparents, he would be entitled 1/3rd share which will be taken care of by respondent No.2 till Master Sameedhar Singh Shekhawat attains the age of majority. She states that in terms of the settlement she does not wish to pursue the above noted FIR and the proceedings pursuant thereto and will abide by the terms of the compromise deed dated 6th April, 2017.

Petitioners No.1 to 5 are present in Court and are identified by the learned counsel. They affirm the statement of respondent No.2 and undertake to abide by the terms of settlement arrived at between the parties on 6 th April, 2017. In terms of the settlement, all claims of respondent No.2 have been satisfied. Petitioners also agree that Master Sameedhar Singh Shekhawat, son of late Shri Ashok Singh Shekhawat would be entitled to 1/4 th share in the ancestral property and on the death of his grandparents, he would be entitled 1/3rd share in the ancestral property. They further state that no portion of the ancestral property would be alienated or any third party interest created therein and at the time when the partition is effected, if by that time Master Sameedhar Singh Shekhawat is a minor, the presence of respondent No.2 will be ensured and in case Master Sameedhar Singh Shekhawat turns major, the partition would be effected in his presence.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, rather the same would create further acrimony between them, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No. No.375/2016 under Sections 498A/406/34 IPC registered at PS Mangol Puri, Delhi and proceedings pursuant thereto are hereby quashed.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

MARCH 21, 2018 'rk'