

Anubha Pant & Ors vs State Nct Of Delhi & Ors on 14 March, 2023

Author: Yogesh Khanna

Bench: Yogesh Khanna

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CRL.M.C. 1408/2021 CRL.M.A. 5776/2023
ANUBHA PANT & ORS.

Through: Mr.C.K.Bhatt, Advoc
petitioners in person.

versus

STATE NCT OF DELHI & ORS.

Through: Mr.Sunil Kuma
State with SI
Mr.Jaideep Ma
with R3 and h

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA
ORDER

% 14.03.2023

1. This order be read in continuation of order dated 22.04.2022 which is as under:

"2. It is the submission of learned counsel for the petitioner the FIR contains only vague allegations against the mother-in-law, sister-in-law and mama sasur (uncle-in-law).

3. It is submitted by learned counsel for the petitioner that respondent No.3 is residing with her husband i.e. the son of the petitioner No.1 in house bearing No.H-1, First Floor, Arjun Nagar, Safdurjung Enclave, New Delhi, which house belongs to petitioner No.1. It is submitted since both of them are not looking after the mother and rather are harassing the mother viz. the petitioner No.1, hence she gave a notice dated 09.08.2019 to her son to make payment of rental since he is staying in the property of petitioner No.1 herein. He further submits a bare perusal of the allegations set out in the FIR do show the FIR is only to extract money from old mother-in-law and while the complainant/respondent No.3 is residing and enjoying with her husband in property belonging to petitioner No.1.

4. On the other hand, learned counsel for the respondent No.3 refers to a mediation report dated 08.02.2021 wherein while dealing with an anticipatory bail application of the petitioners, the matter was referred to the mediation centre wherein this settlement was arrived at where petitioner No.1 agreed to give 1/3rd share of the property No. H-1, First Floor, Arjun Nagar, Safdurjung Enclave, New Delhi to her son i.e., the husband of respondent No.3 but is stated now backing out. The anticipatory bail was allegedly granted because of settlement so arrived at.

5. While hearing the submissions it appears the dispute is only qua exact valuation of the property. However, at this stage, learned counsel for the petitioner submits the mother-in-law viz. the petitioner No.1 is not inclined to give even 1/3rd share to respondent No.3 during the pendency of this petition and despite the matter being referred again to the mediation centre they could not settle the matter and hence be listed for hearing on merits."

2. The matter is taken up for hearing in chamber and during the course of hearing it has been agreed by the petitioner no.1-Anubha Pant she would pay an amount of Rs.12.00 lacs to respondent no.3 and her husband in a period of six months towards full and final settlement valuation viz. 1/3rd share in property H-1, First Floor, Arjun Nagar, Safdurjung Enclave, New Delhi and after obtaining such amount within six months from today, neither respondent no.3 nor her husband would make any claim against this property in future.

3. The respondent no.3 is present today with her husband and she agrees to accept an amount of Rs.12.00 lacs towards full and final settlement of 1/3rd share in property H-1, First Floor, Arjun Nagar, Safdurjung Enclave, New Delhi, which shall be paid to her and her husband by petitioner No.1 within six months from today and it is agreed by respondent no.3 and her husband that they shall vacate the subject property on or before 31.01.2025 and would handover its peaceful possession to petitioners herein and would not make any claim on such property in future either during the lifetime of petitioner No.1 or thereafter.

4. The respondent no.3 shall file an undertaking in respect of above within two weeks from today, that she/her husband shall vacate the premises on or before 31.01.2025 on receipt of amount of Rs.12.00 lacs within six months from today. Similarly, an undertaking shall be filed by petitioner no.1 that she shall make payment of Rs.12.00 lacs within six months to respondent no.3 and her husband qua their alleged share, if any, in the aforesaid property.

5. It is admitted by respondent no.3 and her husband, they shall have no further right/claim in against the petitioners herein in respect of the subject property after receipt of Rs.12.00 lacs and would not use the property after 31.01.2025. The respondent no.3, present today along with her counsel, thus has no objection in case the FIR is quashed. The affidavits of parties and their undertakings shall be filed on record within two weeks from today. The learned APP for the State also has no objection in case the FIR is quashed.

6. In view of the above, there is no impediment in quashing the present FIR as the matter is now settled and it would never entail in conviction of the petitioners herein.

7. Accordingly, the petition is allowed. Consequently, the FIR No.433/2020 under Section 498A IPC registered at PS Safdarjung Enclave, Delhi and the proceedings emanating therefrom stands quashed pending application(s), if any, also stands disposed of. It is further agreed by both the parties they shall keep restrain by not interfering in each other's life and/or lodging any false complaint(s) against each other.

YOGESH KHANNA, J.

MARCH 14, 2023 DU