

Sh Ravinder Kumar Tyagi And Ors vs State Govt Of Nct Of Delhi And Anr on 24 January, 2022

Author: Mukta Gupta

Bench: Mukta Gupta

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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(CRL) 1963/2021

SH RAVINDER KUMAR TYAGI

AND ORS

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Represented by: Ms Aishwarya Rao, Mr Sumit
and Ms Venika Nim, Advocat
with petitioners in person

versus

STATE GOVT OF NCT OF DELHI AND ANR Respondent

Represented by: Mr Piyush Singhal, Advocate
Ashish Aggarwal, ASC for th
with SI Anjali Rathi, PS Ha
Respondent no.2 through vc.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% 24.01.2022 The hearing has been conducted through video conferencing

1. By this petition, the petitioners seek quashing of the FIR No.0184/2019 under Sections 498A/406/323/34 IPC registered at PS Harsh Vihar on the complaint of the respondent no.2 and the proceeding pursuant thereto on the ground that the parties have entered into a settlement.

2. Learned counsel appearing on behalf of the learned Additional Standing Counsel for the State submits that in the above-noted FIR the charge-sheet has been filed keeping the five petitioners in column no.11 and respondent no.2 as the complainant/victim and no other person is involved.

3. In the above-noted FIR, respondent no.2 stated that the respondent no.2 was earlier married on 16th May, 2010 with one Nishu from which wedlock a minor son, namely, Lakshay Tyagi was born on 8th February, 2011, however, after four months of the marriage of the respondent no.2 her husband Nishu disappeared from the house and despite searching for five years his whereabouts were not known and in view thereof the said Nishu and the respondent no.2 were divorced through the panchayat, thereafter, respondent no.2 performed the second marriage with Deepak Tyagi. While, she was married petitioner no.1, who was aged 40 years, whose both younger sons were married, used to visit the respondent no.2 and got her divorced from Deepak Tyagi on 16th February, 2017 and, thereafter, under the pressure of petitioner no.1, respondent no.2 performed

the third marriage on 15th April, 2017 and adoption deed was also prepared whereby Ravinder Kumar Tyagi purportedly adopted the minor son of the respondent no.2 Lakshay Tyagi from the first marriage, however, thereafter, the petitioners behaviour changed and they started demanding money from her such as 40,000/- for running the kirana store and when the respondent no.2 did not bear a child from the wedlock with the petitioner no.1, the cruelty increased and resulting in the respondent no.2 lodging the above-noted FIR and the proceedings pursuant thereto. During the pendency of the proceedings before the Family Court, petitioner no.1 and respondent no.2 arrived at a settlement on 15th July, 2020, copy whereof is annexed as Annexure P-2 to the present petition.

4. Respondent no.2 is present through video conferencing and is identified by the Investigating Officer. She states that she has settled the matter with the petitioners in terms whereof divorce by mutual consent has been granted between the petitioner no.1 and respondent no.2 and in lieu of all her claims towards streedhan, maintenance, alimony etc., respondent No.2 was to receive a total sum of 10,60,000/-, which she has already received and now she has no claim whatsoever against the petitioners. She states that she has vacated the house of the petitioners being property bearing no.944, Gali No.15, third floor, Mandoli Extension, Saboli Harsh Vihar, North East Delhi-110093 and she has now no claim whatsoever in the said property. She further states that she has turned back the adoption deed papers to the petitioners and the petitioner no.1 will have now no claim of the custody and visitation rights or as an adopted father of the minor child Lakshay Tyagi. She states that in view of the settlement arrived at between the parties, she does not wish to pursue the above-noted FIR and the proceedings pursuant thereto and undertakes to abide by the terms of settlement arrived at between the parties.

5. Petitioners who are present in Court through video conferencing and identified by the learned counsel affirm the statement of respondent No.2 and undertake to abide by the terms of settlement.

6. 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.

7. Consequently, No.0184/2019 under Sections 498A/406/323/34 IPC registered at PS Harsh Vihar and proceedings pursuant thereto are hereby quashed.

8. Petition is disposed of.

9. Order be uploaded on the website of this Court.

MUKTA GUPTA, J JANUARY 24, 2022 MK