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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 3123/2010 & Crl.M.A. No.15834/2010

JAI KISHAN & ORS. .... Petitioners  
Through : Mr. Vinod Kumar, Adv. with  
petitioners in person.

versus

STATE ..... Respondent  
Through : Ms. S. Kohli, APP for State.  
SI Rajpal Singh, PS K.M. Pur.

CORAM:  
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER  
30.09.2010

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1. The present petition is filed by the petitioners under Section 482 Cr.P.C. praying *inter alia* for quashing of FIR No.135/1997 lodged by the petitioner No.5, against petitioners No.1 to 4 under Sections 341/380/506/34 IPC with PS Kotla Mubarakpur, Delhi and all proceedings arising therefrom.

2. Counsel for the petitioners states that the marriage of the petitioner No.5 and Dr. Radhey Shyam Vashistha, brother of the petitioners No.1 & 2 and son of the petitioner No.3, was solemnized on 20.2.1995. There is a minor daughter from out of the wedlock, who is presently in the custody of the petitioner No.5. As disputes and differences arose between Dr. Radhey Shyam Vashistha and the  
CRL.M.C. 3123/2010

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petitioner No.5, the latter started living away from her matrimonial home and with her parents from December, 1996. On 6.1.1997, on the complaint of the petitioner No.5, an FIR No.13/1997 was lodged against the petitioners.

3. In the meantime, Dr. Radhey Shyam Vashistha also filed a divorce petition on 7.1.1997. On 2.3.1997, the petitioner No.5 filed another complaint with PS Kotla Mubarakpur, registered as FIR No.135/1997, subject matter of the present petition. On 14.3.2008, the petition for divorce filed by the Dr. Radhey Shyam Vashistha was allowed. Aggrieved by the said order, the petitioner No.5 preferred an appeal in this Court, registered as MAT Appeal No.62/2008, in which proceedings, the parties finally arrived at a settlement as recorded in the order dated 15.9.2010 (Pages 40 to 43).

4. Now, it is stated that in terms of the settlement, Dr. Radhey Shyam Vashistha has agreed to pay a sum of ₹.25.00 lacs to the petitioner No.5, out of which ₹.15.00 lacs has already been paid. The balance amount of ₹.10.00 lacs has been agreed to be paid in a staggered fashion. While the amount of ₹.2.50 lacs is agreed to be paid in the present case, a sum of ₹.2.50 has been agreed be paid in Crl.MC.No.3130/2010, which is listed today at Item No.35 in the cause

list. The balance amount of ₹.5.00 has been agreed to be paid by Dr. Radhey Shayam Vashishtha to the petitioner No.5 at the time of filing of second motion for divorce. Counsel for the petitioners hands over two Bankers Cheques bearing No. 574906 dated 12.9.2010 and 574956 dated 20.9.2010, both for the sum of ₹.2.50 lacs each, drawn on Canara Bank, South Extension, New Delhi in favour of Snigdha Sharma, daughter of the petitioner No.5, which are accepted by the petitioner No.5.

5. The petitioner No.5, who is present in the Court and is identified by the counsel for the petitioners, confirms the fact that the aforesaid settlement has been arrived at with the petitioners No.1 to 4 of her own free will and volition and without any undue influence or coercion from any quarters.

6. Learned APP for the State, on instruction from the IO, confirms the fact that the parties have arrived at a settlement. She, therefore, does not oppose the prayer made in the present petition.

7. This Court has heard counsels for the parties. In view of the submission made by the petitioner No.5/complainant and in view of the fact that the parties have arrived at a settlement of their own free will and volition and without any undue influence or coercion from any

quarters, no useful purpose will be served by proceeding further with the aforesaid FIR and the proceedings arising therefrom.

8. Accordingly, the prayer made in the petition is allowed and FIR No.135/1997 lodged by the petitioner No.5/complainant with PS Kotla Mubarakpur, Delhi and all proceedings arising therefrom stand quashed.

9. The petition is disposed of along with the pending application. File be consigned to the record room.



HIMA KOHLI,J

SEPTEMBER 30, 2010  
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