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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 3022/2015

NEERAJ VERMA & ORS Petitioners
Through Mr.Jagat Rana, Adv.

versus

STATE OF NCT OF DELHI & ANR Respondents
Through Ms.Richa Kapoor, ASC with
Mr.Rohit Kaul & Mr.Ashish
Negi, Advs.
SI Rajiv Kumar PS M.S. Park.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **18.12.2015**

1. The petitioner no.1 is the husband of respondent no.2 and the other petitioners are his family members. The Petitioners have sought quashing of the FIR No. 0142/2015 instituted at PS M.S. Park, under sections 406/498A/34 of the IPC and section 4 of the Dowry Prohibition Act, 1961, on the basis of a settlement having been arrived at with the respondent no.2/complainant.

2. Petitioner no.1 married respondent no.2 in Patiala House Court on 24.08.2012. The said marriage was against the wishes of the parents of respondent no.2. The marriage of the petitioner no.1 and respondent no.2 was duly consummated and one son was born out of the wedlock, on 06.02.2014. Thereafter some matrimonial disputes

and differences cropped up between the parties, which ultimately compelled respondent no.2 to leave her matrimonial home on 17.04.2014. It is submitted that in addition to the said FIR, a petition under section 125 Cr.P.C and a divorce petition were filed which are pending adjudication before the Karkardooma and Tis Hazari District Courts, respectively.

3. The dispute was referred to the Delhi Mediation Centre, Karkardooma Courts, Delhi where owing to the good counsel, petitioner no.1 and respondent no.2, decided to amicably resolve their personal disputes. The said settlement was recorded in the mediation proceedings on 12.08.2015.

4. In terms of the settlement, the petitioner no. 1 and respondent no.2 have, *inter alia*, agreed to live together as husband and wife along with their son. It is further agreed that respondent no.2 would open a bank account in her name, within one month, and petitioner no.1 would deposit of Rs. 1,000/- (Rupees One Thousand Only) before the 15th day of every calendar month starting from September, 2015. The petitioner no.1 has also agreed to pay an additional amount of Rs. 5000/- to the respondent no.2, in two installments of Rs. 2,500/- each, payable on 15.09.2015 and 15.10.2015, respectively. After the petitioner no.1 and respondent no.2 reside together in their matrimonial home for a period of three months, the cases pending before the district courts i.e. maintenance petition under section 125 Cr.P.C. and divorce petition, would be withdrawn and a petition would be filed for quashing the subject FIR. On these terms that the

petitioner no.1 and respondent no.2 have agreed to resolve their differences and attempt to restore their matrimonial relations.

5. The parties are present in court.

6. The investigation in the matter is still continuing.

7. On a conspectus of the foregoing circumstances and the fact that the petitioner no.1 and respondent no.2 have mutually and amicably agreed to live peacefully as husband and wife, this Court is of the opinion that the FIR be quashed.

8. In *Gian Singh vs. State of Punjab & Another*, (2012) 10 SCC 303, the Supreme Court has held that cases which are not compoundable under Section 320 of the Cr.P.C. could also be quashed, when continuation of any criminal proceeding would be an exercise in futility and where justice demands that the dispute between the parties should be put to an end and peace is restored. But ending of such criminal proceedings could only be ordered for securing the ends of justice.

9. In the case of *Jitendra Raghuvanshi & Ors. Vs. Babita Raghuvanshi & Anr.* (2013) 4 SCC 58, wherein the Supreme Court in respect of the matrimonial disputes has specifically held as follows:-

“15. In our view, it is the duty of the courts to encourage genuine settlements of matrimonial disputes, particularly, when the same are on considerable increase. Even if the offences are non-compoundable, if they relate to matrimonial

disputes and the Court is satisfied that the parties have settled the same amicably and without any pressure, we hold that for the purpose of securing ends of justice, Section 320 of the Code would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings. 16. There has been an outburst of matrimonial disputes in recent times. The institution of marriage occupies an important place and it has an important role to play in the society. Therefore, every effort should be made in the interest of the individuals in order to enable them to settle down in life and live peacefully. If the parties ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law, in order to do complete justice in the matrimonial matters, the courts should be less hesitant in exercising their extraordinary jurisdiction. It is trite to state that the power under Section 482 should be exercised sparingly and with circumspection only when the Court is convinced, on the basis of material on record, that allowing the proceedings to continue would be an abuse of process of court or that the ends of justice require that the proceedings ought to be quashed....”

10. Thus, the inherent powers of the High Court, having a wide plenitude could be used for quashing the FIR for securing the ends of justice and to prevent the abuse of the process of the Court.

11. Keeping in mind the facts of this case and the settlement between the parties, allowing the criminal proceeding to be continued any further would not be in accord with the guiding factor namely securing the ends of justice.

12. For the reasons aforerecorded FIR No. 0142/2015 instituted at PS M.S. Park and all the emanating proceedings therefrom are quashed.

13. The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

DECEMBER 18, 2015

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