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

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Date of Decision: 13.09.2017

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W.P.(CRL) 1659/2017**RAVI AGRAWAL & ORS.**

..... Petitioners

Through Mr.Amitabh Narender, Adv. with
Mr.Brijender S. Dhull, Advs. with
petitioners in person.

Versus

STATE & ANR

..... Respondents

Through Ms.Anya Singh, Adv. for
Mr.Avi Singh, ASC for the State with W/SI
Saroj Bala, P.S. Dwarka, Sector-23, Delhi
Mr.Vineet Sinha, Advocate for R-2 along
with respondent No.2 in person.

CORAM:**HON'BLE MR. JUSTICE VINOD GOEL****VINOD GOEL, J. (Oral)**

1. Respondent no.2 is present in court. She is being represented by her counsel. She is duly identified by IO W/SI Saroj Bala.
2. Status report is on the record.
3. The petitioners have invoked the writ jurisdiction of this court under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short 'Cr.PC') for quashing of the FIR bearing No.213/2015, registered on

14.06.2015 against them with Police Station Sector-23, Dwarka, South West, Delhi, under Sections 498A/406/34 IPC on the complaint of respondent No.2.

4. The marriage of the petitioner no.1 with the respondent no. 2 was solemnized on 14.02.2013 as per Hindu rites and ceremonies at Ranchi (Jharkhand State). However, out of this wedlock no child was born.
5. After solemnization of their marriage, the petitioner no.1 and the respondent no.2 started residing together in the matrimonial home. Due to some temperamental differences between the petitioner no. 1 and the respondent no. 2, they could not reconcile with each other. Resultantly, the respondent no.2 left the matrimonial home in May 2014 and started residing separately.
6. The respondent no. 2 lodged a complaint with CAW Cell which culminated into said FIR against the petitioners. The respondent No.2 preferred a petition under Section 12 of The Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the 'DV Act') before the learned MM, Mahila Court, South West, Delhi. She had also filed a petition under Section 125 of Cr.P.C. vide M. No. 445/2017 for maintenance against the petitioner No.1 before the Principal Judge, Family Court, Dwarka Courts, New Delhi.
7. The petitioner no.2 filed a complaint against the respondent no.2 and her father bearing No.CC No.165/2015 under Section

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323/379/411 IPC before the learned CJM Bokaro, District Court, Bokaro Steel City.

8. The petitioner no.1 preferred a petition for divorce before Hon'ble Supreme Court of State of New York, Kings County, located at the Courthouse at 360 Adams Street, Brooklyn, New York, against the respondent no.2. Initially, the said divorce petition was contested by the respondent no.2 but later on by consent of both the parties, a decree of divorce was passed by the Court on 3rd January, 2017.
9. On making a reference by the learned MM, Mahila Court, South West, Delhi, the parties had appeared before the learned Mediator, Delhi Mediation Centre, Dwarka courts, Sector-10, Dwarka, New Delhi. They had resolved and settled all their disputes on 12.05.2017. The petitioner no. 1 had agreed to pay a total sum of US \$36000 in full and final settlement of her all claims including maintenance, permanent alimony and cost of dowry/*stridhan* articles. It was also agreed that the respondent or her authorized representative shall collect all her belongings as per the admitted list Annexure A. The parties had also agreed to withdraw their respective petitions.
10. Both the parties after the mediation settlement dated 12.05.2017 appeared before the concerned court of learned MM, Mahila Court, on 24.05.2017 and they confirmed the mediation settlement. However, the respondent no.2 pointed out regarding the depreciation in the value of the US dollars and the petitioner

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- no.1 had agreed to pay additional US \$ 722 apart from US \$ 36000 which he had agreed to pay before the learned Mediator.
11. Pursuant to mediation settlement dated 12.05.2017, the petitioner no.1 had transferred US \$ 16000 on 15.05.2015 in the account of respondent no.2 through RTGS and on 24.05.2017 the petitioner no.1 had transferred US \$ 20722.43 in the account of respondent no.2 through RTGS.
 12. The respondent No.2 states that she had voluntarily settled and resolved all disputes with the petitioners without any force and coercion. She submits that she had withdrawn her petition under Section 12 of the D.V. Act from the court of MM, Mahila Court, South West, Delhi. She had also withdrawn her petition under Section 125 of the Cr.P.C. The petitioner no.2 submits that pursuant to the settlement he had withdrawn his complaint against the respondent no.2 and her father.
 13. Respondent no.2 submits that she has received the entire settlement amount from the petitioner No.1 by RTGS in her account from the petitioner no.1. She submits that she does not want to pursue the said FIR. She submits that the said FIR may be quashed.
 14. Learned ASC through IO submits that the charge sheet so far has not been filed.
 15. In this regard, it is not out of place to refer the judgment of the Hon'ble Supreme Court in the case of **Gian Singh Vs. State of Punjab and Anr., (2012)10 SCC 303** laying down the

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guidelines for quashing of FIR by the High Court while exercising power under section 482 of Cr.P.C. The relevant Para 58 of the judgment reads as under:-

"Where High Court quashes a criminal proceeding having regard to the fact that dispute between the offender and victim has been settled although offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrong doing that seriously endangers and threatens well-being of society and it is not safe to leave the crime- doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without permission of the Court. In respect of serious offences like murder, rape, dacoity, etc; or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between offender and victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to victim and the offender and victim have settled all disputes between them amicably, irrespective of the fact that such

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offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or F.I.R if it is satisfied that on the face of such settlement, there is hardly any likelihood of offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard and fast category can be prescribed."

16. Both the parties submit that now nothing is due and recoverable by them against each other. Since the parties have amicably settled their all disputes, no fruitful purpose would be served in further pursuing the said FIR. This case is squarely covered by the judgment of **Hon'ble Supreme Court** in the case of **Gian Singh (supra)**. Hence, to secure ends of justice, the FIR bearing No.213/2015, registered on 14.06.2015 against them with Police Station Sector-23, Dwarka, South West, Delhi, under Sections 498A/406/34 IPC and proceedings arising out of the said FIR are hereby quashed.
17. The petition is disposed of accordingly.
18. *DASTI*.



VINOD GOEL, J.

SEPTEMBER 13, 2017/jvcd