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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 4629/2017
SH. SUBHASH CHAND & ORS. Petitioners
Through: Mr. Amit Sahni, Advocate
Versus
THE STATE & ANR Respondents
Through: Mr. A.K. Garg, APP for the State.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **10.11.2017**

Crl. M.A. 18434/2017

Exemption allowed, subject to all just exceptions.

The application stands disposed off.

CRL.M.C. 4629/2017

FIR No. 2/2000 under Section 420/415 IPC read with section 3/4 of Dowry Prohibition Act, P.S. Jahangirabad, UP was registered on the complaint of Smt. Poonam Verma, who has since passed away. The complaint was made regarding the demand of dowry by her in-laws. The matter was referred by the revisional court for mediation and Mr. Mahaveer Singh, father of late Smt. Poonam Verma, is present in the Court today. He has been identified by his counsel. It has been made known to this Court that the disputes stand settled between the parties vide settlement dated 27.07.2015 as per the following terms and conditions:-

a. It was agreed between the parties that the Petitioner No.2 Dal Chand will pay total sum of Rs. 3,00,000/- to Respondent No.2 (father of deceased Complainant Prabha Rani) towards full and final settlement.

b. The above settled amount of Rs. 3,00,000/- will be paid by the Petitioner No.2 in two instalments. The first instalment of Rs. 50,000/- has already paid on 3.8.2015 by way of cash before the court of Sh. Rajeev Mehra, Ld. ASJ. The final instalment of Rs. 2,50,000/- in cash shall be paid at the time of recording of the statement in quashing of FIR bearing No. 2/2000, P.S. Jahangirabad U/s 420/415 IPG read with section 3 & 4 of Dowry Prohibition Act.

c. The parties shall cooperate with each other in every possible manner for quashing of the aforesaid FIR. It is stated that an amount of Rs. 50,000/- has been paid to the father of the deceased by the petitioner. Balance amount of Rs.2,50,000/- is being paid today in the Court by way of Demand Draft bearing No. 000196 dated 08.11.2017 drawn on HDFC Bank, Gandhi Nagar Branch, Delhi. Accordingly, in light of the aforementioned settlement and the demise of the complainant, keeping the FIR alive would serve no purpose and further proceedings in this regard would be an exercise in futility.

The complaint dated 13.07.2000 makes no mention of any form of violence, physical or mental, save the demand of Rs.5,00,000/- in the form of dowry, and cheating apropos marriage, punishable under sections 406/420/506 IPC and sections 3 and 4 of the Dowry Prohibition Act. However, keeping in mind the settlement between the parties and the fact that the complaint has passed away, and there is no allegation of foul play in her demise, therefore this Court sees the instant case fit to be considered for quashing of FIR.

In this regard, a three-Judge Bench of the Supreme Court in ***Gian Singh vs. State of Punjab & Anr.*** MANU/SC/0781/2012 held that it was possible to quash proceedings in a non-compoundable offence following a settlement between the parties provided that the ends of justice were not

defeated:-

54.".....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 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."

Since the recording of evidence regarding demand of dowry from the complainant is now a impossibility and her father has not pursued any such complaint against the accused, and has indeed arrived at a compromise apropos whatever lis he may have had against the petitioner, therefore, the FIR would be lacking in substance and would be shorn of requisite evidence for all times. Hence, keeping it alive would be meaningless.

In the circumstances, the FIR No. 2/2000 under Sections 420/415 IPC read with Section 3/4 of Dowry Prohibition Act, P.S. Jahangirabad, UP and all proceedings emanating therefrom are hereby quashed.

The petition is allowed in the above terms.

NAJMI WAZIRI, J

NOVEMBER 10, 2017/RW