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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4826/2017**

KULDEEP SINGH & ANR Petitioners
Through: Mr.Sandeep Chaudhary, Advocate

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents
Through: Mr.Izhar Ahmad, APP for State with
SI Ramvati, PS Jaffarpur Kalan.
Mr.Shivom Chhabra, Adv for R-2

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **22.11.2017**

Crl.M.A. No.19225/2017 (Exemption)

Exemption allowed, subject to just exceptions.

Crl.M.C. No. 4839/2017

Vide the present petition, the petitioner seeks quashing of the FIR No. 165/15 under Section 498-A/406/34 of the IPC, 1860 Police Station Jaffarpur Kalan, and all proceedings emanating therefrom, in view of the settlement arrived at between the petitioners and the respondent No.2.

The Investigating Officer of the case SI Ramvati is present, who has duly identified the petitioners arrayed as accused in the said FIR and the respondent No.2/complainant of the said FIR.

The respondent No.2 has also produced her original Aadhar Card bearing No. 666146567698 as a proof a photocopy of which is Ex.CW-2/A (original seen & returned).

As per the averments made in the petition and the statement of the respondent No.2 a settlement has been arrived at between the petitioners and the respondent No.2, pursuant to which the marriage between the petitioner No.1 and the respondent No.2 has since been dissolved vide a decree of divorce under Section 13(B) (2) of the Hindu Marriage Act dated 1.4.2017 in HMA No.462/17 of the Court of the Principal Judge (North-West), Family Courts, Rohini, New Delhi. The certified copy of which is Ex.CW-2/C.

As per the settlement the respondent No.2 has already received a sum of a sum of Rs.3,00,000/- out of the total settlement amount of Rs.4,00,000/- and the balance sum of Rs.1,00,000/- is to be paid by the petitioner to the respondent No.2 which during the course of the proceedings has been handed over by the petitioners to the respondent No.2 in Court vide a DD No.686503 8.11.2017 for a sum of Rs.1,00,000/- drawn on the Punjab National Bank, Rani Khera, Delhi.

During the course of submissions made on behalf of either side, the attention of the Court was drawn by the learned APP for the State to the other persons named in the FIR, namely, Raj Singh Sehrawat (Father-in-law), Hari Om (Brother-in-law) and his wife Smt.Vinod, Karamveer (Brother-in-law) and his wife Smt.Vimla, Satpal ((Brother-in-law) and his wife Smt.Prem and that the partial quashing of the FIR has been sought in relation to which a submission was made on behalf of the petitioners to the effect that vide order dated 30.8.2017 of the Metropolitan Magistrate, Mahila Court, Dwarka, after the institution of the chargesheet, cognizance of the offence was taken only against Kuldeep (Husband) and Roshni (mother-in-law) of the respondent No.2.

In view of the verdict of the Hon'ble Supreme Court in ***Gian Singh vs. State of Punjab & Another***, (2012) 10 SCC 303 whereby the Supreme Court has held that offences 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, though ending of such criminal proceedings can only be ordered for securing the ends of justice and where these criminal cases have overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes when the parties have resolved their entire disputes among themselves, the High Court within the framework of its inherent power may quash the criminal proceedings or criminal complaint or the FIR if it is satisfied that on the face of such settlement there is hardly any likelihood of the offender being convicted and where by not quashing the criminal proceedings, justice shall be casualty and the ends of justice would be defeated. The observations of the Apex Court in the case of ***Jitendra Raghuvanshi & Ors. Vs. Babita Raghuvanshi & Anr.*** (2013) 4 SCC 58, with specific reference to the paragraphs No.15 and 16 to the effect:

“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....”

support the contention thus raised on behalf of the petitioner seeking quashing of the proceedings.

Taking the said aspect into account and also the statement made by the respondent No.2 today in Court to the effect that she does not seek any further action against all the persons named in the FIR including against the petitioners No.1 and 2 and in view of the factum that the proceedings emanated only from the matrimonial discord which has since been resolved vide a decree of divorce between the petitioner No.1 and the respondent No.2 and also the settlement arrived at between them and in view of the observations of the Apex Court referred to hereinabove, it is considered appropriate to put a quietus to the proceedings in relation to the FIR No. 165/15 under Section 498-A/406/34 of the IPC, 1860 Police Station Jaffarpur Kalan and all the proceedings emanating therefrom and thus the said FIR No.165/2015 under Sections 498A/406/34 of the IPC 1860 P.S.

Jaffarpur Kalan are quashed.

The petition is disposed of.

NOVEMBER 22, 2017/sv

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 34

Crl. M.C. 4826/2017

KULDEEP SINGH Vs. STATE & ANR.

22.11.2017

**CW-1 Statement of SI RAMVATI, POLICE STATION JAFFARPUR
KALAN**

On S.A.

I identify the petitioners No.1 and 2 Kuldeep s/o Sh.Raj Singh Sehrawat and Smt.Roshni W/o Sh.Raj Singh Sehrawat and the respondent No.2 Smt.Laxmi D/o Late Sh.Raghubir Singh present in Court today.

RO & AC

22.11.2017

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

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KULDEEP SINGH Vs. STATE & ANR.

22.11.2017

**CW-2 STATEMENT OF MS. LAXMI D/O LATE SH.RAGHUBIR
AGED 25 YEARS SINGH R/O VPO UJWA, JAFFARPUR KALAN
SOUTH-WEST DELHI.**

On S.A.

I have studied till standard 12th .

I have brought my original identity card, i.e., Aadhar Card bearing No.666146567698, a photocopy of which is Ex.CW-2/A (original seen & returned).

I have signed my affidavit dated 4.9.2017 at points A and B voluntarily of my own accord and without any duress, coercion or pressure from any quarter. The photocopy of which is Ex.CW-2/B.

The marriage between me and the petitioner No.1 has already been dissolved vide a decree of divorce under Section 13(B) (2) of the Hindu Marriage Act dated 1.4.2017 in HMA No.462/17 of the Court of the Principal Judge (North-West), Family Courts, Rohini, New Delhi. The certified copy of which is Ex.CW-2/C.

Pursuant to the said settlement a sum of Rs.3,00,000/- has already been received by me out of the total settlement amount of Rs.4,00,000/- and the balance sum of Rs.1,00,000/- is to be received by me from the petitioner No.1 today in Court which has since been paid to me vide DD No.686503 8.11.2017 for a sum of Rs.1,00,000/- drawn on the Punjab National Bank,

Rani Khera, Delhi. The photocopy of the same is on the record as Ex.CW-2/D. Now there are no claims of mine left against the petitioners and I thus do not oppose the quashing of the FIR No.165/15, under Sections 498-A/406/34 IPC, 1860, Police Station Jaffarpur Kalan and all other proceedings emanating therefrom against the petitioners, namely, Kuldeep S/o Sh.Raj Singh Sehrawat and Smt.Roshni W/o Sh.Raj Singh Sehrawat.

I do not seek any further action against Raj Singh Sehrawat (Father-in-law), Hari Om (Brother-in-law) and his wife Smt.Vinod, Karamveer (Brother-in-law) and his wife Smt.Vimla, Satpal ((Brother-in-law) and his wife Smt.Prem also named in the FIR lodged by me, in view of the settlement arrived at between me and the petitioners No.1 and 2.

I have made this statement voluntarily of my own accord without any duress, coercion or pressure from any quarter.

RO & AC
22.11.2017

ANU MALHOTRA, J