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

+ **CRL.M.C. 4933/2017**

ANIL PANDEY

..... Petitioner

Through: Mr. Raj Kumar Rajput, Adv.

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondent

Through: Mr. Raghuvinder Varma, APP for
State with SI Arvind Singh, PS
Mehrauli.

Mr. Sakshi Sharma, Adv. for
Respondent no.2 with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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27.11.2017

Crl. M.A. No. 19584/2017 (Exemption)

Exemption allowed, subject to all just exceptions.

Application is disposed of.

Crl. M.C. No. 4933/2017

Vide the present petition, the petitioner seeks quashing of the FIR No.2408/2014 under Sections 354-D/506 of the IPC, 1860 Police Station Mehrauli submitting to the effect that a settlement has been arrived at between the petitioner and the respondent no.2 and that if the petition is not allowed it would cause irreparable loss and injury.

The Investigating Officer of the case identifies the petitioner

and respondent no. 2 and in reply to a specific query of the Court, the Investigating Officer has stated that there are no previous adverse antecedents against the petitioner.

The learned APP for the State submits that he does not oppose the prayer made by the petitioner.

Taking into account the factum that the prayer made by the petitioner seeks quashing of the FIR No.2408/2014 under Sections 354-D/506 of the IPC, 1860 Police Station Mehrauli against him and the submissions made by the respondent no.2 that she is a house wife and the further aspect that as per the averments made in the compromise/settlement deed, i.e., Ex. CW 2/A, it has also been submitted to the effect that a misunderstanding had arisen between the parties and in the event of the prayer not being allowed, justice itself would be a casualty, in view of the observations of the Hon'ble Supreme Court in ***Gian Singh vs. State of Punjab & Another***, (2012) 10 SCC 303:

“58..... No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the 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 the 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 the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the 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 the victim and the offender and the 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 FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the 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.”, (Emphasis supplied)

the petition is allowed and thus the FIR No.2408/2014 under Sections

354-D/506 of the IPC, 1860, Police Station Mehrauli and all the proceedings emanating therefrom are quashed.

ANU MALHOTRA, J

NOVEMBER 27, 2017

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IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 49

Crl. M.C. 4933/2017

ANIL PANDEY Vs. STATE & ANR.

27.11.2017

**CW-1 Statement of SI ARVIND SINGH, POLICE STATION
MEHRAULI**

On S.A.

I identify both the petitioner Anil Pandey and the respondent No.2 Ms.X, Complainant of the FIR No.2408/2014 under Section 354-D/506 of the IPC, 1860 Police Station Mehrauli present in Court today. The photocopy of the Aadhar Cards of the petitioner (bearing No.602972533974) and the respondent No.2 (bearing No.686146982850) are on the record as Ex.Cw-1/A and Ex.Cw-1/B respectively. (Original seen and returned). No previous adverse antecedents have been found against the petitioner.

**RO & AC
27.11.2017**

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 49

CrI. M.C. 4933/2017

ANIL PANDEY Vs. STATE & ANR.

27.11.2017

**CW-2 STATEMENT OF MS. X, W/O SH.SATYENDER PANDEY,
AGED 35 YEARS, R/O H. NO. 3, GALI NO. 1, SAI NAGAR, MAWAI,
KHERI KALAN, (113), FARIDABAD, HARYANA**

On S.A.

I am a matriculate. I am a housewife.

The compromise-cum-settlement deed dated 20.11.2017 bears my signatures thereon at points A which compromise-cum-settlement deed is Ex.CW-2/A.

I have brought my original identity card, i.e., Aadhar Card bearing No.686146982850, a photocopy of which is Ex.CW-1/B (original seen & returned).

I have signed the compromise-cum-settlement deed Ex.CW-2/A voluntarily of my own accord without any duress, coercion or pressure from any quarter.

I do not oppose the prayer made vide the present petition seeking quashing of FIR No.2408/2014 under Section 354-D/506 of the IPC, 1860 Police Station Mehrauli as a settlement has been arrived at between me and the petitioner. I do not seek any further action against the petitioner.

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

**RO & AC
27.11.2017**

ANU MALHOTRA, J