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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5392/2017 CRL.M.A. 21065/2017**
HAWA SINGH & ORS Petitioner
Through Mr. Narender Mukh, Adv. with P1 to
P3 in person.
versus

THE STATE GOVT OF NCT OF DELHI & ANR
Respondent
Through Mr. Kamal Kr. Ghei, APP for State
with SI Praveen Attri, PS Mangolpuri.
Mr. Mukesh Mehra, Adv. with R-2 in
person.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **20.12.2017**

CRL.M.A. 21065/2017

CRL.M.A. 21065/2017 is an application filed on behalf of the petitioner seeking exemption from filing certified copies of the annexures. The same is allowed, subject to just exceptions.

The application is disposed of.

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Vide the present petition, the petitioner no. 1 Hawa Singh s/o Sh. Laxmi Chand, the petitioner no. 2 Anita w/o Mr. Hawa Singh and the petitioner no. 3 Neeraj Rathee s/o Sh. Hawa Singh seek quashing of the FIR No. 737/17, registered at PS Mangolpuri, under Sections 354/354A/506/341/323/34 of the Indian Penal Code, 1860 submitting to the effect that a Settlement Agreement has been arrived at between the

petitioner and the respondent no. 2 at the CAW Cell, Nankpura, New Delhi
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dated 20.11.2017, photocopy of which is Ex.CW1/F and pursuant to which the respondent no. 2 and the petitioner no. 3 are living together with the minor child aged 4 years born out of the wedlock w.e.f. 22.11.2017.

The respondent no. 2 present in the Court has brought her original Aadhar card, photocopy of which is Ex.CW1/A (original seen and returned) and she has also identified the petitioner no. 1 Hawa Singh s/o Sh. Laxmi Chand, the petitioner no. 2 Anita w/o Mr. Hawa Singh and the petitioner no. 3 Neeraj Rathee s/o Sh. Hawa Singh, who are also present today in the court and has stated that the petitioners no. 1 & the petitioner no. 2 are her parents-in-law and the petitioner no. 3 is her spouse. Photocopies of the proof of identity in the form of the Aadhar cards of the petitioners no. 1 to 3 are on the record, which are Ex.CW1/C to Ex. CW1/E respectively (original seen and returned). The respondent no. 2 has been examined by the Court and she has testified that she is a graduate and her affidavit annexed to the petition bears her signature thereon at points-A and B on Ex.CW1/B, which she has signed voluntarily of her own accord without any duress or coercion from any quarter and that today she has come to the Court seeking quashing of the FIR No. 737/17, registered at PS Mangolpuri, under Sections 354/354A/506/341/323/34 of the Indian Penal Code, 1860 lodged on her complaint against the petitioners no. 1 to 3 i.e. her parents-in-law and her spouse. She has testified to the effect that she is living together with the petitioner no. 3 separately from the petitioners no. 1 & 2 w.e.f. 21.11.2017 and she wants to give her marriage a last chance to live peacefully along with her minor child aged 4 years born out of the wedlock in view of the

Settlement Agreement arrived at between the parties in CAW Cell,

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Nankpura, New Delhi dated 20.11.2017 and the said Settlement Agreement bears her signatures thereon as also visible on the photocopy at points – A & B, photocopy of which is Ex.CW1/F. She has also testified that there are now no problems between her and the petitioners and that she has no opposition to the quashing of the FIR No. 737/17, registered at PS Mangolpuri, under Sections 354/354A/506/341/323/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom and that she does not want that the petitioners no. 1 & 3 named above be punished in relation to the FIR No. 737/17, registered at PS Mangolpuri, under Sections 354/354A/506/341/323/34 of the Indian Penal Code, 1860 and that she has made this statement voluntarily of her own accord without any duress or coercion from any quarter.

The Investigating Officer has also identified the petitioner no. 1 Hawa Singh s/o Sh. Laxmi Chand, the petitioner no. 2 Anita w/o Mr. Hawa Singh and the petitioner no. 3 Neeraj Rathee s/o Sh. Hawa Singh as being the accused in relation to the FIR No. 737/17, registered at PS Mangolpuri, under Sections 354/354A/506/341/323/34 of the Indian Penal Code, 1860. He has also identified the respondent no. 2 Pooja Sangwan w/o Sh. Neeraj Rathee d/o Sh. Dilbagh Singh present today in the court i.e. the complainant of the FIR No. 737/17, registered at PS Mangolpuri, under Sections 354/354A/506/341/323/34 of the Indian Penal Code, 1860 and has stated that there are no other accused other than the petitioner no. 1 Hawa Singh s/o Sh. Laxmi Chand, the petitioner no. 2 Anita w/o Mr. Hawa Singh and the petitioner no. 3 Neeraj Rathee s/o Sh. Hawa Singh arrayed in the FIR

mentioned above.

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Learned APP for the State also in the circumstances of the case does not oppose the prayer made by the petitioners seeking quashing of the FIR No. 737/17, registered at PS Mangolpuri, under Sections 354/354A/506/341/323/34 of the Indian Penal Code, 1860.

Taking into account the statement made by the respondent no. 2 Pooja Sangwan w/o Sh. Neeraj Rathee d/o Sh. Dilbagh Singh present today in the court i.e. the complainant of the FIR No. 737/17, registered at PS Mangolpuri, under Sections 354/354A/506/341/323/34 of the Indian Penal Code, 1860 and the factum that the petitioner has testified that she has come to the Court seeking quashing of the FIR No. 737/17, registered at PS Mangolpuri, under Sections 354/354A/506/341/323/34 of the Indian Penal Code, 1860 lodged on her complaint against the petitioners no. 1 to 3 i.e. her parents-in-law and her spouse as she is living together with the petitioner no. 3 separately from the petitioners no. 1 & 2 w.e.f. 21.11.2017 and the factum that she wants to give her marriage a last chance to live peacefully along with her minor child aged 4 years born out of the wedlock in view of the Settlement Agreement arrived at between the parties in CAW Cell, Nankpura, New Delhi dated 20.11.2017 and the factum that there are now no problems between the respondent no. 2 and the petitioners and that she has no opposition to the quashing of the FIR No. 737/17, registered at PS Mangolpuri, under Sections 354/354A/506/341/323/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom and that she does not want that the petitioners no. 1 & 3 named above be punished in relation to the FIR No. 737/17, registered at PS Mangolpuri, under Sections

354/354A/506/341/323/34 of the Indian Penal Code, 1860 and that she has
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made this statement voluntarily of her own accord without any duress or coercion from any quarter, there appears no reason to disbelieve the statement made by the respondent no. 2 that she made the same voluntarily of her own accord without any duress or coercion from any quarter, in view of the verdict of the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab & Another**, (2012) 10 SCC 303, to the effect : -

*“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.” [Refer to B.S. Joshi, (2003) 4 SCC 675; Nikhil Merchant, (2008) 9 SCC 677 and Manoj Sharma, (2008) 16 SCC 1.]”
(emphasis supplied)

it is thus considered appropriate in the interest of justice that the prayer made by the petitioners seeking quashing of the FIR No. 737/17, registered at PS Mangolpuri, under Sections 354/354A/506/341/323/34 of the Indian Penal Code, 1860 is allowed against the petitioner no. 1 Hawa Singh s/o Sh. Laxmi Chand, the petitioner no. 2 Anita w/o Mr. Hawa Singh and the petitioner no. 3 Neeraj Rathee s/o Sh. Hawa Singh, which is thus accordingly allowed, and the FIR No. 737/17, registered at PS Mangolpuri, under sections 354/354A/506/341/323/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom are quashed.

The petition is disposed of.

ANU MALHOTRA, J

DECEMBER 20, 2017/MK

