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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5366/2017**

NARENDER KUMAR Petitioner
Through: Mr.Sanjeev Lakra, Advocate

versus

THE STATE GOVT OF NCT OF DELHI Respondent
Through: Mr. Panna Lal Sharma, APP for State
with ASI Phool Kanwar, PS Mundka
Respondent No.2 in person.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **19.12.2017**
Crl. M.A. 20987/2017 (Exemption)

Exemption allowed, subject to just exceptions.

Crl.M.C. No. 5366/2017

Vide the present petition, the petitioner seeks quashing of the FIR No.259/2016, under Sections 354(D)/509/506 IPC, 1860 at Police Station Mundka submitting to the effect that a settlement has been arrived at between the petitioner and the respondent No.2 and all disputes have since been resolved.

The Investigating Officer of the case is present and has identified the petitioner as the sole accused of the FIR No.259/2016, under Sections 354(D)/509/506 IPC, 1860 at Police Station Mundka and the respondent No.2 being the complainant of FIR No.259/2016, under Sections 354(D)/509/506 IPC, 1860 at Police Station Mundka. The copies of the proof of the identity of the petitioner and the

respondent No.2 are on record as EX.CW-1/A and EX.CW-1/B.

The respondent no. 2 is educated and states that she is a post-graduate and works with the Delhi Fire Service and states that she has signed the compromise/settlement deed EX.CW-2/A dated 13.12.2017 voluntarily of her own accord without any duress, pressure or coercion from any quarter submitting *inter alia*, to the effect that the petitioner is the elder brother of her deceased husband and that he has since realized his mistake and that she does not oppose the prayer made by the petitioners seeking quashing of the FIR and does not seek that the petitioner be punished.

Learned APP for the State in the circumstances of the case does not oppose the prayer made by the petitioner seeking quashing of the FIR No.259/2016, under Sections 354(D)/509/506 IPC, 1860 at Police Station Mundka.

Taking into account the statement made by the respondent No.2, there is no reason to disbelieve her statement that she had signed the compromise deed voluntarily of her own accord without any duress, pressure or coercion from any quarter and also taking into account the fact that the petitioner and the respondent No.2 are related and the settlement document dated 13.12.2017 EX.CW-2/A which the respondent No.2 has stated that she has signed the same voluntarily and her affidavit Ex.CW-2/B in support of the averments made in the petition, as the petitioner and the respondent No.2 are related and to maintain peace and harmony between the parties as in not granting the prayer made by the petitioner, justice would itself become a casualty, in view of the observations in 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.]”

in the interest of justice, it is considered appropriate to put a quietus to the

litigation between the parties so that the peace and harmony between them is restored in view thereof the FIR No.259/2016, under Sections 354(D)/509/506 IPC, 1860 at Police Station Mundka and all consequential proceedings emanating therefrom against the petitioners which is thus accordingly allowed, and the FIR No.259/2016, under Sections 354(D)/509/506 IPC, 1860 at Police Station Mundka and all consequential proceedings emanating therefrom against the petitioners are quashed.

The petition is disposed of.

ANU MALHOTRA, J

DECEMBER 19, 2017/sv

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 42

CrI. M.C. 5366/2017

NARENDER KUMAR Vs. STATE & ANR.

19.12.2017

**CW-3 NARENDER KUMAR S/O SH.SURAJ BHAN AGED 51 YEARS
R/O H. NO.238, POLE NO.29, HOLI CHOWK, VILLAGE
BAKKARDWALA, DELHI-51.**

ON S.A.

I undertake to behave appropriately with the respondent
No.2/complainant in future.

RO & AC

19.12.2017

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 42

CrI. M.C. 5366/2017

NARENDER KUMAR Vs. STATE & ANR.

19.12.2017

CW-2 SMT.SANTOSH SEHRAWAT W/O LATE SH. VIJENDER SEHRAWAT AGED 41 YEARS, R/O 3, JWALA HERI FIRE STATION, PASCHIM VIHAR, DELHI.

ON S.A.

I am a post graduate and working in Delhi Fire Service.

The settlement deed dated 13.12.2017 bears my signatures thereon at point 'A' on EX.CW-2/A which I have signed voluntarily of my own accord without any duress, pressure or coercion from any quarter.

In view of the settlement arrived at between me and the petitioner as the petitioner is also related to me as being the elder brother of my husband and as he has realized his mistake, I do not seek to pursue the proceeding any further in relation to the No.259/2016, under Sections 354(D)/509/506 IPC, 1860 at Police Station Mundka. My affidavit in support of the settlement bears my signatures at Points A and B on EX.CW-2/B.

I do not oppose the prayer made by the petitioner seeking quashing of the FIR No.259/2016, under Sections 354(D)/509/506 IPC, 1860 at Police Station Mundka.

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

RO & AC
19.12.2017

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 42

Crl. M.C. 5366/2017

NARENDER KUMAR Vs. STATE & ANR.

19.12.2017

**CW-1 SI PHOOL KANWAR POLICE STATION MUNDKA
ON S.A.**

I identify both the petitioner Narender Kumar as the accused and the respondent No.2 Smt.Santosh Sehrawat, the complainant of the FIR No.259/2016, under Sections 354(D)/509/506 IPC, 1860 at Police Station Mundka present in the Court today. Apart from the petitioner, no other person/persons is/are arrayed as the accused in relation to the present FIR No.259/2016, under Sections 354(D)/509/506 IPC, 1860 at Police Station Mundka. The original Aadhaar Cards of the petitioner 292158096723 and the respondent No.2/complainant 590598204066 have been produced. The photocopy of the Aadhar Cards of the petitioner and the respondent No.2 are EX.CW-1/A and EX.CW-1/B respectively (Original seen & returned.)

**RO & AC
19.12.2017**

ANU MALHOTRA, J