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

+ **CRL.M.C. 271/2018**

RAJEEV RANA & ORS

..... Petitioner

Through

Mr. Rajesh Kumar, Mr. Sanjay Jain,
Advts. with all petitioners in person.

versus

THE STATE OF NCT OF DELHI & ANR

..... Respondent

Through

Mr. Kamal Kr. Ghei, APP for State
with ASI Ashwani Kumar, PS Jyoti
Nagar.

Mr. Devanand Rai, Adv. for R2 with
R2 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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05.03.2018

Vide the present petition, the petitioner no. 1 Rajeev Rana s/o sh. Ram Kishan Singh, the petitioner no. 2 Munni Devi w/o Sh. Ram Kishan Singh, the petitioner no. 3 Ram Kishan Singh s/o Sh. Harphool Singh, the petitioner no. 4 Sanjay Rana w/o Sh. Ram Kishan Singh, the petitioner no. 5 Meena w/o Sh. Sanjay and the petitioner no. 6 Ashu Singh Rana s/o Sh. Ram Kishan Singh seek quashing of the FIR No. 700/2014, registered at PS Jyoti Nagar, under Sections 498A/406/34 of the Indian Penal Code, 1860 submitting *inter alia* to the effect that a settlement has been arrived at between the petitioners and the respondent no. 2 at the Delhi Mediation Centre, Karkardooma Courts, Delhi dated 05.11.2016 and pursuant to which the settlement amount of Rs.12 lakhs has been paid to the respondent no. 2

and the marriage between the petitioner no. 1 and the respondent no. 2 has since been dissolved vide a decree of divorce through mutual consent dated 05.12.2017 of the Court of the Judge Family Court, Shahdara District, Karkardooma Courts, Delhi in HMA No. 132/17 under Sections 13B(2) of the Hindu Marriage Act, 1955.

The Investigating Officer of the case has identified the petitioner no. 1 Rajeev Rana s/o sh. Ram Kishan Singh, the petitioner no. 2 Munni Devi w/o Sh. Ram Kishan Singh, the petitioner no. 3 Ram Kishan Singh s/o Sh. Harphool Singh, the petitioner no. 4 Sanjay Rana w/o Sh. Ram Kishan Singh, the petitioner no. 5 Meena w/o Sh. Sanjay and the petitioner no. 6 Ashu Singh Rana s/o Sh. Ram Kishan Singh as being the accused in relation to the FIR No. 700/2014, registered at PS Jyoti Nagar, under Sections 498A/406/34 of the Indian Penal Code, 1860 and the respondent no. 2 Ms. Sunita present today in the court i.e. the complainant of the FIR No. 700/2014, registered at PS Jyoti Nagar, under Sections 498A/406/34 of the Indian Penal Code, 1860 respectively.

The respondent no. 2 on her examination by the Court on oath has testified to having sworn her affidavit as Ex.CW2/A annexed to the petition which she has signed voluntarily of her own accord without any duress or coercion from any quarter and has also testified to having signed the mediation settlement Ex.CW2/C voluntarily of her own accord without any duress or coercion from any quarter. *Inter alia* she has testified to the effect that a total sum of Rs.12 lakhs as per the settlement Ex.CW2/C has been received by her and the minor child born of the wedlock between her and the petitioner no. 1 is in her custody and shall remain continue in her custody.

She has further testified that she is a graduate and she has since re-married after dissolution of marriage with the petitioner no. 1 vide a decree of divorce through mutual consent dated 05.12.2017 of the Court of the Judge Family Court, Shahdara District, Karkardooma Courts, Delhi in HMA No. 132/17 under Sections 13B(2) of the Hindu Marriage Act, 1955, having re-married in January, 2018.

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. 700/2014, registered at PS Jyoti Nagar, under Sections 498A/406/34 of the Indian Penal Code, 1860 in view of the settlement arrived at between the parties.

In view of the submissions made by the respondent no. 2, who is apparently educated and who has also re-married after dissolution of her marriage with the petitioner no. 1, and the marriage between her and the petitioner no. 1 has been dissolved through mutual consent, and who has categorically stated that she does not oppose the prayer made by the petitioners seeking quashing of the said FIR, there appears no reason to disbelieve the statement made by the respondent no. 2 voluntarily of her own accord without any duress or coercion from any quarter and the factum that the FIR has apparently been registered on the basis of the matrimonial discord between the petitioner no.1 and the respondent no. 2 which has since been dissolved vide a decree of divorce through mutual consent dated 05.12.2017 of the Court of the Judge Family Court, Shahdara District, Karkardooma Courts, Delhi in HMA No. 132/17 under Sections 13B(2) of the Hindu Marriage Act, 1955, it is considered essential to put *a quietus* to

the litigation 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.]”

(emphasis supplied)

and in the case of *Jitendra Raghuvanshi & Ors. Vs. Babita Raghuvanshi & Anr.* (2013) 4 SCC 58, wherein the Supreme Court in respect of the matrimonial disputes has specifically held as follows:-

“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....”

(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. 700/2014, registered at PS Jyoti Nagar, under Sections 498A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom is allowed and thus the FIR No. 700/2014, registered at PS Jyoti Nagar, under Sections 498A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner no. 1 Rajeev Rana s/o sh. Ram Kishan Singh, the petitioner no. 2 Munni Devi w/o Sh. Ram Kishan Singh, the petitioner no. 3 Ram Kishan Singh s/o Sh. Harphool Singh, the petitioner no. 4 Sanjay Rana w/o Sh. Ram Kishan Singh, the petitioner no. 5 Meena w/o Sh. Sanjay and the petitioner no. 6 Ashu Singh Rana s/o Sh. Ram Kishan Singh are quashed.

The petition is disposed of.

ANU MALHOTRA, J

MARCH 05, 2018/MK