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

+ **CRL.M.C. 565/2018**

RAJEEV BAKSHI & ORS

..... Petitioner

Through Mr. Vinay Sharma, Mr. Saurabh
Kumar, Advs. with petitioners in
person.

versus

THE STATE GOVT OF NCT OF DELHI & ORS Respondent

Through Mr. Sanjeev Sabharwal, APP for State
with SI Aakashdeep PS Rohini and
previously posted at PS Mukherjee
Nagar.
Mr. Ankit Shariya, Adv. for R2 with
R2 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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23.04.2018

Vide the present petition, the petitioners no. 1 Rajeev Bakshi s/o Sh. Om Prakash Bakshi, the petitioner no. 2 Om Prakash Bakshi s/o Late Mulakh Raj and the petitioner no. 3 Smt. Nita Bakshi w/o Om Prakash Bakshi seek quashing of FIR No. 432/13, registered at PS Mukherjee Nagar, under Sections 498A/406/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has since been arrived at between the petitioners and the respondent no. 2 and all disputes between them have been amicably settled.

The Investigating Officer has identified the petitioners as being the

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persons arrayed as accused in the said FIR and the respondent no. 2 present today in the court as being the complainant of the said FIR. The proof of the identity of the petitioners and of the respondent no. 2 in the form of photocopies of their documents produced by them are Ex.CW1/A to Ex. CW1/D respectively, originals of which have been seen and returned.

The respondent no.2 in her examination on oath by the Court has testified to having sworn her affidavit annexed to the petition as Ex.CW2/A and has testified to having signed the settlement deed dated 11.02.2017 between the respondent no. 2 and the petitioner, copy of which is on record as Ex.CW2/B, which she has signed voluntarily of her own accord without any duress or coercion from any quarter. She further stated that she does not oppose the prayer made by the petitioners seeking quashing of the FIR No. 432/13, registered at PS Mukherjee Nagar, under Sections 498A/406/34 of the Indian Penal Code, 1860 nor does she want the petitioners to be punished in relation thereto and in terms of the settlement arrived at between them, a total sum of Rs.8 lakhs and the LIC policy in the name of the child was to be handed over to the respondent no. 2 by the petitioners of which a Demand Draft of Rs.5 lakhs in the name of the child and another Demand Draft of Rs.3 lakhs in the name of the respondent no. 2 and the LIC policy in the name of her child has already been given by the petitioners to the respondent no. 2. She further stated that the minor child born of the wedlock between her and the petitioner no. 1 is in her custody and shall continue to remain in her custody and there are now no claims of hers left against the petitioners.

Learned APP for the State submits that in the circumstances of the case, there is no opposition to the prayer made by the petitioner seeking quashing of the FIR in question in view of the settlement arrived at between the parties.

In view of the deposition of the respondent no.2 and non opposition on behalf of the State and identification of the petitioner and the respondent no. 2 by the Investigating Officer and as it is apparent that the FIR in question has been registered on the basis of the matrimonial discord between the petitioner no. 1 and the respondent no. 2 which has since been resolved and that the marriage between the respondent no. 2 and the petitioner no. 1 has been dissolved vide a decree of divorce through mutual consent under Section 13(B)(2) of the Hindu Marriage Act, 1955 vide decree dated 14.11.2017 in HMA No. 1452/17 of the Court of the Principal Judge Family Courts, District North, Rohini Courts, Delhi, the certified copy of which is on the record as Ex.CW2/C and for maintenance of peace and harmony between the petitioners and the respondent no.2 and for the well being of the child, it is considered essential to put *a quietus* to the litigation between the parties in view of the observations in the verdict of the Hon'ble Supreme Court 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.]”

and in view of the observations in the verdict of the Hon’ble Supreme Court in *Jitendra Raghuvanshi & Ors. Vs. Babita Raghuvanshi & Anr.* (2013) 4 SCC 58, 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....”

(emphasis supplied)

it is considered appropriate to allow the prayer made by the petitioner seeking quashing of FIR No. 432/13, registered at PS Mukherjee Nagar, under Sections 498A/406/34 of the Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioner. In view thereof the FIR No. 432/13, registered at PS Mukherjee Nagar, under Sections 498A/406/34 of the Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioners no. 1

Rajeev Bakshi s/o Sh. Om Prakash Bakshi, the petitioner no. 2 Om Prakash Bakshi s/o Late Mulakh Raj and the petitioner no. 3 Smt. Nita Bakshi w/o Om Prakash Bakshi are quashed.

The petition is disposed of.

ANU MALHOTRA, J

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THE STATE GOVT OF NCT OF DELHI & ORS

Statement of CW1 : SI Aakashdeep PS Rohini and previously posted at PS Mukherjee Nagar, Delhi.

ON S.A.

I identify the petitioners no. 1 Rajeev Bakshi s/o Sh. Om Prakash Bakshi, the petitioner no. 2 Om Praksh Bakshi s/o Late Mulakh Raj and the petitioner no. 3 Smt. Nita Bakshi w/o Om Prakash Bakshi as being the accused in relation to the FIR No. 432/13, registered at PS Mukherjee Nagar, under Sections 498A/406/34 of the Indian Penal Code, 1860. I also identify the respondent no. 2 Ranjeet Kaur @ Anamika present today in the court as being the complainant of the said FIR. The proof of the identity of the petitioners and of the respondent no. 2 in the form of photocopies of Aadhar Cards produced by them are Ex.CW1/A and Ex. CW1/D respectively (originals seen and returned).

**RO & AC
APRIL 23, 2018/MK**

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RAJEEV BAKSHI & ORS versus

THE STATE GOVT OF NCT OF DELHI & ORS

Statement of CW2 : Ranjeet Kaur @ Anamika d/o Sh. Inder Singh, aged 39 years r/o H. No. 73, Top Floor, Indra Vihar, Delhi.

ON S.A.

I do not oppose the prayer made by the petitioners seeking quashing of the FIR No. 432/13, registered at PS Mukherjee Nagar, under Sections 498A/406/34 of the Indian Penal Code, 1860 nor I want the petitioner to be punished in relation thereto. My affidavit annexed to the petition bears my signatures thereon at points-A and B on Ex.CW2/A. The settlement deed dated 11.02.2017 between me and the petitioner bears my signatures as visible thereon at points-A on each page thereof on Ex.CW2/A. I have signed both these documents voluntarily of my own accord without any duress, pressure or coercion from any quarter. In terms of the settlement arrived at between me and the petitioners, a total sum of Rs.8 lakhs and the LIC policy in the name of the child was to be handed over to me by the petitioners of which a Demand Draft of Rs.5 lakhs in the name of the child and another Demand Draft of Rs.3 lakhs in my name and the LIC policy in the name of my child has already been given by the petitioners to me. The minor child born of the wedlock between me and the petitioner no. 1 is in my custody and shall continue to remain in my custody. The marriage between me and the petitioner no. 1 has been dissolved vide a decree of divorce through mutual consent under Section 13(B)(2) of the Hindu Marriage Act, 1955 vide decree dated 14.11.2017 in HMA No. 1452/17 of the Court of the Principal Judge Family Courts, District North, Rohini

Courts, Delhi, the certified copy of which is on the record as Ex.CW2/C. There are no claims of mine left against the petitioners. I am a graduate and doing a private job. I have made this statement voluntarily of my own accord without any duress or coercion from any quarter.

RO & AC
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ANU MALHOTRA, J