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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 713/2018 & CRL.M.A. 2554/2018
CHARANPREET SINGH & ORS Petitioner
Through Mr. S.S. Chugh, Adv.

versus

STATE (NCT OF DELHI) & ANR Respondent
Through Mr. Panna Lal Sharma, APP for State
with SI Dhananjay Kumar PS Tilak
Nagar.
Mr. Vimal Puggal, Adv. for R2.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **09.02.2018**

Vide the present petition, the petitioner no. 1 Charanpreet Singh Bhatia s/o Mr. Gurmeet Singh, the petitioner no. 2 Gurmeet Singh s/o Late Sh. Bhag Singh, the petitioner no. 3 Kawaljeet Kaur w/o Sh. Gurmeet Singh, the petitioner no. 4 Amarjeet Singh and the petitioner no. 5 Harpreet Kaur seek quashing of the FIR No. 852/14, registered at PS Tilak Nagar, under Sections 498A/406/34 of the Indian Penal Code, 1860 and 3 & 4 of the Dowry Prohibition Act submitting *inter alia* to the effect that a settlement has been arrived at between the parties.

The Investigating Officer of the case has identified the petitioner no. 1 Charanpreet Singh Bhatia s/o Mr. Gurmeet Singh, the petitioner no. 4 Amarjeet Singh and the petitioner no. 5 Harpreet Kaur as being the accused in relation to the FIR No. 852/14, registered at PS Tilak Nagar, under Sections 498A/406/34 of the Indian Penal Code, 1860 and 3 & 4 of the

Dowry Prohibition Act. He has also identified the respondent no. 2 Puneet Kaur @ Silky d/o Sh. Harjinder Singh present today in the court i.e. the complainant of the FIR No. 852/14, registered at PS Tilak Nagar, under Sections 498A/406/34 of the Indian Penal Code, 1860 and 3 & 4 of the Dowry Prohibition Act. Photocopy of the proof of identity in the form of the PAN card of the petitioners no. 1 is Ex. CW1/A (original seen and returned). Photocopy of the proof of identity in the form of Aadhar Card of the petitioner no. 5 is Ex. CW1/B (original seen and returned). Election Commission Identity Card bearing no. ABL0413013 of the petitioner no. 4 has been produced, seen and returned. Photocopy of the same is directed to be filed.

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 has further testified that she has studied till 12th standard and has also testified that she has been living with the petitioner no. 1 for the last 3 years without any problem now and that the child born out of the wedlock is also living with her. She stated that she does not want that the petitioners no. 1 to 5 to be punished and that she has no opposition to the quashing of the FIR No. 852/14, registered at PS Tilak Nagar, under Sections 498A/406/34 of the Indian Penal Code, 1860 and 3 & 4 of the Dowry Prohibition Act and all consequential proceedings emanating therefrom.

It has been submitted on behalf of the petitioners that the petitioner no. 2 has suffered a paralytic attack and likewise his wife the petitioner no. 3 is thus not able to put in appearance before this Court today.

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. 852/14, registered at PS Tilak Nagar, under Sections 498A/406/34 of the Indian Penal Code, 1860 and 3 & 4 of the Dowry Prohibition Act in view of the settlement arrived at between the parties.

In view of the factum that the matter between the parties has been resolved and the factum that the petitioner no. 1 and the respondent no. 2 have been living together since the last 3 years and that the child born out of the wedlock is also living with the respondent no. 2 and the factum that the respondent no. 2 has no problems now with the petitioners and that the respondent no. 2 has no opposition to the quashing of the FIR No. 852/14, registered at PS Tilak Nagar, under Sections 498A/406/34 of the Indian Penal Code, 1860 and 3 & 4 of the Dowry Prohibition Act and all consequential proceedings emanating therefrom against the petitioners, there appears no reason to disbelieve the statement made by the respondent no. 2 that she has arrived at the settlement voluntarily of her own accord without any duress or coercion from any quarter and as the matrimonial discord between the petitioner no. 1 and the respondent no.2 has since been resolved, thus to maintain peace and harmony between the parties, 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. 852/14, registered at PS Tilak Nagar, under Sections 498A/406/34 of the Indian Penal Code, 1860 and 3 & 4 of the Dowry Prohibition Act and all consequential proceedings emanating therefrom is allowed and thus the FIR No. 852/14, registered at PS Tilak Nagar, under Sections 498A/406/34 of the Indian Penal Code, 1860 and 3 & 4 of the Dowry Prohibition Act and all

consequential proceedings emanating therefrom against the petitioner no. 1 Charanpreet Singh Bhatia s/o Mr. Gurmeet Singh, the petitioner no. 2 Gurmeet Singh s/o Late Sh. Bhag Singh, the petitioner no. 3 Kawaljeet Kaur w/o Sh. Gurmeet Singh, the petitioner no. 4 Amarjeet Singh and the petitioner no. 5 Harpreet Kaur are quashed.

The petition is disposed of.

ANU MALHOTRA, J

FEBRUARY 06, 2018/MK