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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 1284/2018 & CRL.M.A. 4717/2018
JAGDISH PRASAD SAHU Petitioner
Through: Ms. Dolly Sharma, proxy counsel for
Mr. A.K. Jha, Advocate.
versus
THE STATE GOVT OF NCT OF DELHI & ANR..... Respondent
Through: Mr. Sanjeev Sabharwal, APP for State
with ASI Kuldeep Singh, PS Rajouri
Garden.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **14.03.2018**
CRL.M.A. 4717/2018(Exemption)

Exemption allowed, subject to just exceptions.

The application is disposed of.

CRL.M.C. 1284/2018

Vide the present petition, the petitioner seeks quashing of FIR No.666/2006, PS Rajouri Garden, under Sections 498A/406/34 Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the petitioner and the respondent no. 2 vide a mediation settlement dated 21.12.2017 arrived at the Delhi Mediation Centre, Tis Hazari Courts, Delhi, certified copy of which is on the record as Ex.CW2/B and that pursuant thereto, the parties to the petition, i.e., the petitioner and the respondent no. 2 are living together without any problems now.

The Investigating Officer of the case is present today in the court and has identified the petitioner Jagdish Prasad Sahu arrayed as being the sole accused in the FIR no. 666/06, PS Rajouri Garden

under Sections 498-A/406/34 of the Indian Penal Code, 1860 and has stated that the other persons arrayed as accused in the FIR namely Keshari Nandan, Mulli Devi, Pardeep Kumar, Anand Kumar, Hemant Kumar and Raj Kumari have since been discharged vide order dated 06.08.2016 of the Court of the learned MM (Mahila Court-03), West, THC, Delhi in FIR no. 666/06 in case No. 67950/16. He has also identified the respondent no. 2, Smt. Savitri Devi Sahu being the complainant of the said FIR present in Court today. The proof of identity of the petitioner and of the respondent no. 2 in the form of their Aadhar Cards have been produced in original, photocopies of the same are on the record as Ex. CW1/A and Ex. CW1/B, originals of which have been seen and returned.

The respondent no. 2 on her examination by the Court on oath has affirmed having sworn her affidavit Ex. CW2/A on the record. She has further testified to the effect that the mediation settlement dated 21.12.2017 bears her signatures thereon at points A & B on Ex. CW2/B and that she has signed both these documents voluntarily of her own accord without any duress, coercion or pressure from any quarter inasmuch as she is now living with the petitioner for the last 2/3 years without any problems and wants to continue to live with the petitioner. She has further stated that there are two children born out of the wedlock between the petitioner and herself, i.e., one daughter and a son and her daughter has since been married and son lives with her and the petitioner. She has further stated that she does not oppose the prayer made by the petitioner seeking quashing of the FIR No. 666/06, PS Rajouri Garden under Sections 498-A/406/34 of the Indian Penal Code, 1860 nor does she want the petitioner to be punished in

relation thereto. She states that she has studied till Standard 10th.

On behalf of the State in view of the deposition made by the respondent no. 2, 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. As it is apparent that the FIR no. 666/06, PS Rajouri Garden under Sections 498-A/406/34 of the Indian Penal Code, 1860 is indicated to have been registered pursuant to a matrimonial discord between the petitioner and the respondent no. 2 which has since been resolved between the parties to the petition, i.e., the petitioner and the respondent no. 2 are living together along with their son, and the respondent no. 2 states that there are now no problems between her and the respondent no. 2, it is considered appropriate for the well being of the respondent no. 2 to put a quietus to the litigation between the petitioner and the respondent no. 2 and for the maintenance of peace and harmony between them, 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 petitioner seeking quashing of FIR no. 666/06, PS Rajouri Garden under Sections 498-A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom is allowed and FIR no. 666/06, PS Rajouri Garden under Sections 498-A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner are quashed.

The petition is disposed of.

ANU MALHOTRA, J

MARCH 14, 2018

NC

Item No. 60

CRL.M.C. 1284/2018

JAGDISH PRASAD SAHU Vs. STATE & ANR.

14.03.2018

CW-1 ASI Kuldeep Singh, Police Station Rajouri Garden.

ON S.A.

I identify the petitioner Jagdish Prasad Sahu arrayed as being the sole accused in the FIR no. 666/06, PS Rajouri Garden under Sections 498-A/406/34 of the Indian Penal Code, 1860. The other persons arrayed as accused namely Keshari Nandan, Mulli Devi, Pardeep Kumar, Anand Kumar, Hemant Kumar and Raj Kumari have been discharged vide order dated 06.08.2016 of the Court of the learned MM (Mahila Court-03), West, THC, Delhi in FIR no. 666/06 in case No. 67950/16.

I also identify the respondent no. 2, Smt. Savitri Devi Sahu being the complainant of the said FIR present in Court today. The proof of identity of the petitioner and of the respondent no. 2 in the form of photocopies of their Aadhar Cards are on the record as Ex. CW1/A and Ex. CW1/B (Original seen and returned).

RO & AC
MARCH 14, 2018.

ANU MALHOTRA, J

Item No. 60

CRL.M.C. 1284/2018

JAGDISH PRASAD SAHU Vs. STATE & ANR.

14.03.2018

Statement of CW2 : Smt. Savitri Devi, w/o Sh. Jagdish Prasad Sahu, aged 48/50 years, r/o Type-I, 27, Press Colony, Mayapuri, Delhi.

ON S.A.

I do not oppose the prayer made by the petitioner seeking quashing of the FIR no. 666/06, PS Rajouri Garden under Sections 498-A/406/34 of the Indian Penal Code, 1860 inasmuch as I am living with the petitioner for the last 2/3 years without any problems. I have two children, i.e., one daughter and a son. My daughter has been married and my son lives with me.

My affidavit annexed to the petition bears my signatures thereon at points A & B on Ex. CW2/A. The mediation settlement dated 21.12.2017 bears my signatures thereon at points A & B on Ex. CW2/B. I have signed both these documents voluntarily of my own accord without any duress, coercion or pressure from any quarter.

I have studied till Standard 10th.

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

ANU MALHOTRA, J

RO & AC

MARCH 14, 2018