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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CRL.M.C. 1235/2018 & CRL.M.A. 4509/2018**

**HARPREET SINGH** ..... Petitioner  
Through: Mr. Sudir Tewatia, Adv.

versus

**STATE & ANR** ..... Respondent  
Through: Mr. Sanjeev Sabharwal, APP for  
State with SI Govind Singh, PS Tilak  
Nagar.  
R-2 in person with counsel for R-2.

**CORAM:**  
**HON'BLE MS. JUSTICE ANU MALHOTRA**

**ORDER**

% **09.03.2018**

**CRL.M.A. 4509/2018(Exemption)**

Exemption allowed, subject to just exceptions.

**CRL.M.C. 1235/2018**

Vide the present petition, the petitioner seeks quashing of FIR No. 987/2015, registered at PS Tilak Nagar, under Sections 498A/406/34 Indian Penal Code, 1860 and all consequential proceedings emanating therefrom submitting to the effect that a settlement has been arrived at between the petitioner and the respondent no.2.

The Investigating Officer of the case present today in Court has identified the petitioner Shri Harpreet Singh , s/o late Shri Parvinder Singh, as being the sole accused arrayed in FIR No. 987/2015, registered at PS Tilak Nagar, under Sections 498A/406/34 Indian Penal Code, 1860 and has

also identified the respondent no.2 Ms. Tejinder Kaur present today in Court as being the complainant thereof. The proofs of identity of the petitioner in the form of photocopy of his Election Commission I-Card and of the respondent no. 2 in the form of photocopy of her Aadhar Cards are on the record as Ex. CW1/A and Ex. CW1/B respectively. (Originals 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 further testified to having signed the Memorandum of Understanding dated 26.04.2017 as Ex. CW2/B voluntarily of her own accord without any duress or coercion from any quarter. The respondent no.2 has further testified to the effect that the marriage between her 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 02.01.2018 of the Court of the Principal Judge, Family Court, West, Tis Hazari Courts, New Delhi in HMA No. 3039/17, certified copy of which is on the record. She has further testified to the effect that pursuant to the said settlement arrived at between her and the petitioner, a total sum of Rs. 6.5 lakhs was to be paid to her by the petitioner, which entire amount has since been received by her and that there are no claims of hers left against the petitioner now and further stated that in terms of the settlement arrived at between her and the petitioner, a minor child Ms. Dilmeher Kaur born of the wedlock between her and the petitioner no.1 is in her custody and shall continue to remain in her custody and that she has studied upto standard 12<sup>th</sup> and is a fashion designer and a beautician.

During the course of submissions made by the respondent no.2 she

sought that she be not harassed by the petitioner any further qua which the statement of the petitioner has been recorded whereby he stated that he has no contact with the respondent no.2 nor shall he make any contact with respondent no.2 in future and undertook also not to harass her in any manner in future.

The respondent no.2 has further stated that the FIR has been lodged by her against the petitioner and other in-laws but now she does not seek any action against the family members of the petitioner in relation to the FIR in question.

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 deposition of the respondent no.2, there is no reason to disbelieve her statement that she has arrived at a settlement with the petitioner voluntarily of her own accord without any duress, coercion or pressure from any quarter and the factum that the matrimonial discord between the petitioner and the respondent no.2 has since been dissolved vide a decree of divorce through mutual consent as stated hereinabove and all claims between the petitioner and the respondent no.2 have since been settled, taking into account the non-opposition on behalf of the State, it is considered appropriate to put a quietus to the litigation between the parties for 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.]”*

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)*

of FIR No. 987/2015, registered at PS Tilak Naghr, under Sections 498A/406/34 Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioner are thus quashed.

The petition is disposed of.

**ANU MALHOTRA, J**

**MARCH 09, 2018**

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CRL.M.C. 1235/2018

HARPREET SINGH

Vs. STATE & ANR

**Statement of CW1 : SI Govind Singh, PS Tilak Nagar, Delhi.**

**ON S.A.**

I identify the petitioner Shri Harpreet Singh , s/o late Shri Parvinder Singh, as being the sole accused arrayed in FIR No. 987/2015, registered at PS Tilak Naghr, under Sections 498A/406/34 Indian Penal Code, 1860. I also identify the respondent no.2 Ms. Tejinder Kaur present today in Court as being the complainant thereof. The proofs of identity of the petitioner in the form of photocopy of his Election Commission I-Card and of the respondent no. 2 in the form of photocopy of her Aadhar Cards are on the record as Ex. CW1/A and Ex. CW1/B respectively. (Originals seen and returned.)

**ANU MALHOTRA, J**

**RO & AC**

**MARCH 09, 2018**

**Statement of CW2 : Ms. Tejinder Kaur, d/o Sardar Satnam Singh, aged 25 years, r/o Plot No. 77, Chand Nagar, New Delhi.**

**ON S.A.**

I do not oppose the prayer made by the petitioner seeking quashing of the FIR No. 987/2015, registered at PS Tilak Nagar, under Sections 498A/406/34 Indian Penal Code, 1860 nor do I want the petitioner to be punished in relation thereto. I do not seek any further action against any family member of the petitioner also in view of the settlement arrived at between me and the petitioner.

My affidavit annexed to the petition bears my signature thereon at points-A & B on Ex.CW2/A. The Memorandum of Understanding dated 26.04.2017 also bears my signature thereon as visualise at point-A on Ex. CW2/B. I have signed both these documents voluntarily of my own accord without any duress, pressure or coercion from any quarter.

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 02.01.2018 of the Court of the Principal Judge, Family Court, West, Tis Hazari Courts, New Delhi in HMA No. 3039/17.

In terms of the settlement arrived at between me and the petitioner, a minor child Ms. Dilmehar Kaur born of the wedlock between me and the petitioner no.1 is in my custody and shall continue to remain in my custody.

Pursuant to the said settlement arrived at between me and the

petitioner, a total sum of Rs. 6.5 lakhs was to be paid to me by the petitioner, which entire amount has since been received by me. There are no claims of mine left against the petitioner now.

I have studied upto standard 12<sup>th</sup> and I am a fashion designer and beautician.

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 09, 2018**



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**Statement of CW3 : Shri Harpreet Singh, s/o late Shri Parvinder Singh, aged 32 years, r/o B-6/9A, Rajouri Garden, New Delhi.**

**ON S.A.**

I have no contact with the respondent no.2 nor shall I make any contact with respondent no.2 in future. I undertake also not to harass her in any manner in future.

**ANU MALHOTRA, J**

**RO & AC**

**MARCH 09, 2018**