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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CRL.M.C. 1391/2018 & CRL.M.A. 5054/2018**  
**SANJAY VERMA & ORS** ..... Petitioner  
Through Mr. Dinesh Singh Choudhary, Advs.  
with petitioners in person.  
versus

**STATE (NCT OF DELHI) & ANR** ..... Respondent  
Through Mr. Kewal Singh Ahuja, APP for  
State with Si Naresh Kumar PS Dabri.  
Mr. R.K. Sonkiya, Adv. for R2.

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

**ORDER**  
% **19.03.2018**

Vide the present petition, the petitioners seeks quashing of FIR No. 494/13, registered at PS Dabri, under Sections 498A/406/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the petitioners and the respondent no.2 pursuant to the Mediation Settlement dated 27.03.2017 arrived at the Mediation Centre, Dwarka Courts, New Delhi and all disputes between the petitioners and the respondent no. 2 have since been amicably resolved.

The Investigating Officer of the case present today in Court has identified the petitioner no. 1 Sanjay Verma s/o Sh. Dev Dutt Verma, the petitioner no. 2 Dev Dutt Verma s/o Late Sh. Khacherumal Verma and the petitioner no. 3 Smt. Urmila Devi w/o Sh. Dev Dut Verma as being the accused in relation to the FIR No. 494/13, registered at PS Dabri, under

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Sections 498A/406/34 of the Indian Penal Code, 1860. The proof of the identity of the petitioner no. 1 and petitioner no. 3 in the form of photocopies of their documents produced by them are Ex. CW1/A to Ex. CW1/B respectively, original of which have been seen and returned. The petitioner no. 3 has produced his identity card issued by the Army Head Quarters bearing no. D 368969, photocopy of which is directed to be placed on record.

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/B voluntarily of her own accord without any duress or coercion from any quarter. She has brought her original Aadhar Card, photocopy of which is on record as Ex.CW2/A, original of which has been seen and returned. She has also testified to having signed the Mediation Settlement dated 27.03.2017 arrived at the Mediation Centre, Dwarka Courts, New Delhi which is on record as Ex.CW2/C and has submitted that pursuant to the said settlement arrived at between her and the petitioners, the Flat bearing no. E-54, E-Block, Gali No. 27, 40 Foota Road, Chankya Place, Part-I, New Delhi has already been transferred in her name and also in the name of her daughter Rashi Verma. She has also testified that in terms of the settlement arrived at between her and the petitioners, the minor child born of the wedlock between her and the petitioner no. 1 is in her custody and shall remain in her custody. She has further testified 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 08.12.2017 in HMA No. 3382/17 of the Court of the Principal Judge, Family Court, South-West District, Dwarka, New Delhi and the certified copy of which is on the record as Ex.CW2/D and that there are no claims of hers left against the petitioners and that she has made this statement voluntarily of her own accord without any duress or coercion from any quarter. *Inter alia* she has testified that she does not oppose the prayer made by the petitioner no. 1 Sanjay Verma s/o Sh. Dev Dutt Verma, the petitioner no. 2 Dev Dutt Verma s/o Late Sh. Khacherumal Verma and the petitioner no. 3 Smt. Urmila Devi w/o Sh. Dev Dut Verma seeking quashing of the FIR No. 494/13, registered at PS Dabri, under Sections 498A/406/34 of the Indian Penal Code, 1860 nor does she want them to be punished in relation thereto.

The respondent no. 2 has also stated in response to the specific Court query that she is pursuing M.Ed.

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 petitioners and the respondent no.2.

In view of the deposition of the respondent no.2 that a settlement has been arrived at between the parties 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 08.12.2017 in HMA No. 3382/17 of the Court of the Principal Judge, Family Court, South-West District,

Dwarka, New Delhi and the factum that the respondent no. 2 is well educated and understands the implication of her statement, there appears no reason to disbelieve her statement that she has made her statement voluntarily of her own accord without any duress, coercion or pressure from any quarter and taking into account the non-opposition on behalf of the State 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 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. 494/13, registered at PS Dabri, 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. 494/13, registered at PS Dabri, under Sections 498A/406/34 of the Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioner no. 1 Sanjay Verma s/o Sh. Dev Dutt Verma, the petitioner no. 2 Dev Dutt Verma s/o Late Sh. Khacherumal Verma and the petitioner no. 3 Smt. Urmila Devi w/o Sh. Dev Dut Verma are quashed.

The petition is disposed of.

Copy of the order be given *Dasti*, as prayed.

**ANU MALHOTRA, J**

**MARCH 19, 2018/MK**

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