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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1791/2018 & CrI. M.A. 6418/2018**
AMIT @ AMIT RAMCHANDANI & ORS Petitioner
Through **Ms. Avtar Kaur Dhingra, Adv. with**
petitioner in person.
versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondent
Through **Mr. Izhar Ahmad, APP for State with**
SI Arun Kumar PS Tilak Nagar.
R2 in person with Mr. Vijay Kumar,
Mr. Deepak Singh, Adv.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **11.04.2018**

Vide the present petition, the petitioner no. 1 Amit @ Amit Ramchandani, the petitioner no. 2 Smt. Pushpa @ Pushpa Ramchandani, the petitioner no. 3 Ashok Kumar @ Ashok Ramchandani, the petitioner no. 4 Mohit @ Mohit Ramchandani, the petitioner no. 5 Smt. Kirandeep Kaur and the petitioner no. 6 Mohan Gehani seek quashing of FIR No. 889/15, registered at PS Tilak Nagar, under Section 498A/406/34 of the Indian Penal Code, 1860 submitting to the effect that the matter has since been settled between the parties and all disputes between them have since been amicably settled and the marriage between the respondent no. 2 and the petitioner no.1 has since been dissolved vide a decree of divorce dated 15.01.2018 of the Court of the Additional Principal Judge, Family Courts (West), Delhi in

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HMA No. 53/18 under Sections 13B(2) of the Hindu Marriage Act, 1955, certified copy of which is on the record as Ex.CW2/A.

The Investigating Officer of the case has identified the petitioners no. 1 to 6 as being the accused of the FIR in question and has also identified the respondent no. 2 as being the complainant thereof. The proof of identity of the petitioners no. 1 & 6 and of the respondent no. 2 are on record in the form of photocopies produced by them as Ex.CW1/A to Ex.CW1/F and Ex.CW1/H, 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 voluntarily of her own accord without any duress or coercion from any quarter and also testified to having signed the settlement arrived at the Delhi Mediation Centre, Tis Hazari Courts, Delhi dated 11.10.2017, the true copy of which is on record as Ex.CW2/C. The respondent no. 2 further affirms that the marriage between the respondent no. 2 and the petitioner no.1 has since been dissolved vide a decree of divorce dated 15.01.2018 of the Court of the Additional Principal Judge, Family Courts (West), Delhi in HMA No. 53/18 under Sections 13B(2) of the Hindu Marriage Act, 1955, certified copy of which is on the record as Ex.CW2/A. The respondent no. 2 has further stated that in terms of the settlement arrived at the Delhi Mediation Centre, Tis Hazari Courts, Delhi, a total sum of Rs.4,25,000/- was payable to her by the petitioners of which Rs.3 lakhs have already been received by her and the balance sum of Rs.1,25,000/- has been handed over to her by the petitioners vide D.D. No. 242309 dated 06.03.2018 drawn on UOC Bank,

photocopy of which is on record as Ex.CW2/D. There is no child of the wedlock between the petitioner and the respondent no. 2. She has stated that there are now no claims of her left against the petitioners and that she does not oppose the prayer made by the petitioners seeking quashing of the FIR No. 889/15, registered at PS Tilak Nagar, under Section 498A/406/34 of the Indian Penal Code, 1860 nor does she want them to be punished in relation thereto.

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

Apparently, the FIR has been registered on a matrimonial discord between the petitioner no.1 and the respondent no. 2 which has been resolved between the parties vide a decree of divorce dated 15.01.2018 of the Court of the Additional Principal Judge, Family Courts (West), Delhi in HMA No. 53/18 under Sections 13B(2) of the Hindu Marriage Act, 1955. There appears no reason to disbelieve that the respondent no. 2 has made her statement voluntarily of her own accord without any duress, coercion or pressure from any quarter and that she does not oppose the prayer made by the petitioners seeking quashing of the vide a decree of divorce dated 15.01.2018 of the Court of the Additional Principal Judge, Family Courts (West), Delhi in HMA No. 53/18 under Sections 13B(2) of the Hindu Marriage Act, 1955, for maintenance of peace and harmony between the petitioners and the respondent no.2, 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 ***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. 889/15, registered at PS Tilak Nagar, under Section 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. 889/15, registered at PS Tilak Nagar, under Section 498A/406/34 of the Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioner no. 1 Amit @ Amit Ramchandani, the petitioner no. 2 Smt. Pushpa @ Pushpa Ramchandani, the petitioner no. 3 Ashok Kumar @ Ashok Ramchandani, the petitioner no. 4 Mohit @ Mohit Ramchandani, the petitioner no. 5 Smt. Kirandeep Kaur and the petitioner no. 6 Mohan Gehani are quashed.

The petition is disposed of.

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AMIT @ AMIT RAMCHANDANI & ORS

Versus STATE (GOVT OF NCT OF DELHI) & ANR

Statement of CW1 : SI Arun Kumar PS Tilak Nagar Delhi.

ON S.A.

I identify the petitioner no. 1 Amit @ Amit Ramchandani, the petitioner no. 2 Smt. Pushpa @ Pushpa Ramchandani, the petitioner no. 3 Ashok Kumar @ Ashok Ramchandani, the petitioner no. 4 Mohit @ Mohit Ramchandani, the petitioner no. 5 Smt. Kirandeep Kaur and the petitioner no. 6 Mohan Gehani as being the persons named in the FIR No. 889/15, registered at PS Tilak Nagar, under Section 498A/406/34 of the Indian Penal Code, 1860. I also identify the respondent no. 2 Komal Vij present today in the court as being the complainant of the said FIR. The proof of identity of the petitioners no. 1 & 6 and of the respondent no. 2 are on record in the form of photocopies produced by them as Ex.CW1/A to Ex.CW1/F and Ex.CW1/H (original seen and returned).

RO & AC
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ANU MALHOTRA, J

**Statement of CW2 : Komal Vij d/o Sh. Gulshan Rai Vij, aged 39 years
r/o H. No. 12/44-B, First Floor, Tilak Nagar, Delhi.**

ON S.A.

I do not oppose the prayer made by the petitioners seeking quashing of the FIR No. 889/15, registered at PS Tilak Nagar, under Section 498A/406/34 of the Indian Penal Code, 1860 nor I do want the petitioners to be punished in relation thereto in view of the settlement arrived at between me and the petitioners. The marriage between me and the petitioner no. 1 has since been dissolved vide a decree of divorce dated 15.01.2018 of the Court of the Additional Principal Judge, Family Courts (West), Delhi in HMA No. 53/18 under Sections 13B(2) of the Hindu Marriage Act, 1955, certified copy of which is on the record as Ex.CW2/A. There is no child of the wedlock between me and the petitioner no. 1. My affidavit annexed to the petition bears my signature thereon at points-A and B on Ex.CW2/B. The settlement agreement arrived at in Delhi Mediation Centre, Tis Hazari Courts, Delhi dated 11.10.2017 bears my signatures thereon at point-A on each page thereof on Ex.CW2/C. In terms of the settlement arrived at the Delhi Mediation Centre, Tis Hazari Courts, Delhi, a total sum of Rs.4,25,000/- was payable to me by the petitioners of which Rs.3 lakhs have already been received by me and the balance sum of Rs.1,25,000/- has been handed over to me by the petitioners vide D.D. No. 242309 dated 06.03.2018 drawn on UCO Bank, photocopy of which is on record as

Ex.CW2/D. Now there are no claims of mine left against the petitioners. I am a graduate and working in MAX hospital. I have made this statement voluntarily of my own accord without any duress, pressure or coercion from any quarter.

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ANU MALHOTRA, J