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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 2884/2018 & CRL.M.A. 10198/2018**

SACHIN VERMA Petitioner

Through Mr. Sunil Kumar, Adv. with
petitioner in person.

versus

STATE (NCT OF DELHI) & ANR Respondent

Through Mr. Sanjeev Sabharwal, APP for State
with SI Karamvir, PS Narela.
Ms. Nidhi Raj Bindra, Adv. for R2
with R2 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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24.05.2018

CRL.M.A. 10198/2018 (exemption)

Exemption allowed subject to all just exceptions.

Application is disposed of.

CRL.M.C. 2884/2018

Vide the present petition, the petitioner Sachin Verma s/o Sh. Suresh Chand Verma seeks quashing of FIR No. 446/11, PS Narela, under Sections 498A/406/34 of the Indian Penal Code, 1860 on the complaint of the respondent no. 2 i.e. the complainant thereof submitting to the effect that all disputes between the petitioner and the respondent no. 2 have been amicably resolved.

The Investigating Officer has identified the petitioner as being the accused of the said FIR and the respondent no. 2 present today in the Court

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as being the complainant of the said FIR and has submitted that that only the petitioner was charge-sheeted and other persons named Sh. Suresh Chandra Verma, Shashi Bala, Vipin and Neha were put in column no. 12. The proof of identity of the petitioner and of the respondent no. 2 have been produced in original, photocopy of which are Ex. CW1/A to Ex. CW1/B respectively (original of which have been seen and returned).

She has testified to having sworn her affidavit annexed to the petition as Ex.CW2/B which she has signed voluntarily of her own accord without any duress or coercion from any quarter. The respondent no. 2 has also testified to the effect that the counselling Cell settlement dated 28.02.2017 bears her signatures thereon as visible on the true copy thereof as Ex.CW2/C. *Inter alia* she stated that she in terms of the settlement arrived at between the respondent no. 2 and the petitioner through Ex.CW2/C, she does not seek the continuation of the proceedings in relation to the FIR in question against the petitioner nor against the other persons named Sh. Suresh Chandra Verma, Shashi Bala, Vipin and Neha. She has further testified to the effect that the marriage between her and the petitioner has since been dissolved vide the decree of divorce through mutual consent under Section 13 B(2) of the Hindu Marriage Act, 1955 vide decree dated 28.02.2017 in HMA No. 231/2018 of the Court of the Judge Family Courts, Shahdara District, Karkardooma Courts, the copy of which is on record as Ex.CW2/D and that in terms of the settlement arrived at between her and the petitioner the minor child born of the wedlock between her and the petitioner is now in her custody and shall remain in her custody. *Inter alia*

she submits that in terms of the settlement arrived at between her and the petitioners, a total sum of Rs.10 lakhs was to be paid to her and she has received a sum of Rs.6 lakhs previously from the petitioner and the balance sum of Rs.4 lakhs has been handed over to her vide Demand Draft No. 014428 dated 03.03.2018 for a sum of Rs.4 lakhs drawn on Delhi Nagrik Sehkari Bank Ltd., photocopy of which is on record as Ex.CW2/E and that now there are no claims of hers left against the petitioners and she wants peace. She further states that she used to teach earlier and now she does stitching.

The 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 parties.

In view of the deposition of the respondent no.2, there appears no reason to disbelieve that she has arrived at the settlement voluntarily of her own accord without any duress, coercion or pressure from any quarter and that all the disputes between the petitioner and the respondent no. 2 have apparently been resolved and the FIR in question has apparently been registered on the basis of a matrimonial discord which has since been dissolved vide the decree of divorce through mutual consent under Section 13 B(2) of the Hindu Marriage Act, 1955 vide decree dated 28.02.2017 in HMA No. 231/2018 of the Court of the Judge Family Courts, Shahdara District, Karkardooma Courts, the copy of which is on record as Ex.CW2/D, 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 petitioners seeking quashing of FIR No. 446/11, PS Narela, 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. 446/11, PS Narela, under Sections 498A/406/34 of the Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioner Sachin Verma s/o Sh. Suresh Chand Verma are quashed.

The petition is disposed of.

ANU MALHOTRA, J

MAY 24, 2018/MK

Statement of CW1 : SI Karamvir, PS Narela, Delhi.**ON S.A.**

I identify the petitioner Sachin Verma s/o Sh. Suresh Chand Verma as being the sole accused who was charge-sheeted in relation to the FIR No. 446/11, PS Narela, under Sections 498A/406/34 of the Indian Penal Code, 1860. The other persons named Sh. Suresh Chandra Verma, Shashi Bala, Vipin and Neha were not charge-sheeted and have been put in column no. 12. I also identify the respondent no. 2 Smt. Meena Verma d/o Late Sh. Karan Singh present today in the court i.e. the complainant of the FIR No. 446/11, PS Narela, under Sections 498A/406/34 of the Indian Penal Code, 1860. Photocopies of the proof of identity of the petitioner and of the respondent no. 2 are Ex. CW1/A to Ex. CW1/B respectively (original seen and returned).

RO & AC
MAY 24, 2018/MK

ANU MALHOTRA, J

Statement of CW2 : Smt. Meena Verma d/o Late Sh. Karan Singh, aged 33 years r/o Gali No. 26/B, Near Jain Dharamshala, Swantatra Nagar, Narela, Delhi-40.

ON S.A.

I have brought my original Aadhar card, photocopy of the same is Ex.CW2/A. I only want peace. My affidavit annexed to the petition bears my signature thereon at points-A and B on Ex.CW2/B, which I have signed voluntarily of my own accord without any duress, pressure or coercion from any quarter. The counselling Cell settlement dated 28.02.2017 bears my signatures thereon as visible on the true copy thereof as Ex.CW2/C. I have signed these documents voluntarily of my own accord without any duress or coercion from any quarter. In terms of the settlement arrived at me and the petitioner, the marriage between me and the petitioner no.1 has since been dissolved vide the decree of divorce through mutual consent under Section 13 B(2) of the Hindu Marriage Act, 1955 vide decree dated 28.02.2017 in HMA No. 231/2018 of the Court of the Judge Family Courts, Shahdara District, Karkardooma Courts, the copy of which is on record as Ex.CW2/D. In view of the settlement arrived at between me and the petitioner through Ex.CW2/C, I do not seek the continuation of the proceedings in relation to the FIR in question against the petitioner nor against the other persons named Sh. Suresh Chandra Verma, Shashi Bala, Vipin and Neha. In terms of the settlement arrived at between me and the petitioners the minor child born of the wedlock between me and the petitioner is now in my custody and

shall remain in my custody. In terms of the settlement arrived at between me and the petitioners, a total sum of Rs.10 lakhs was to be paid to me and I have received a sum of Rs.6 lakhs previously from the petitioner and the balance sum of Rs.4 lakhs has been handed over to me vide Demand Draft No. 014428 dated 03.03.2018 for a sum of Rs.4 lakhs drawn on Delhi Nagrik Sehkari Bank Ltd., photocopy of which is on record as Ex.CW2/E. Now there are no claims of mine left against the petitioners. I used to teach earlier and now I do stitching. I do not oppose the prayer made by the petitioner in the petition seeking quashing of the FIR No. 446/11, PS Narela, under Sections 498A/406/34 of the Indian Penal Code, 1860 nor I do want the petitioner to be punished in relation thereto. I have made this statement voluntarily of my own accord without any duress or coercion from any quarter.

RO & AC
MAY 24, 2018/MK

ANU MALHOTRA, J