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

+ CRL.M.C. 3045/2018

DEVENDER RAWAT & ORS

..... Petitioners

Through: Mr. K. Bhimraj Achary, Advocate.

versus

STATE & ANR

..... Respondents

Through: Mr. Panna Lal Sharma, APP for State
with SI Ranjit, PS Neb Sarai.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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29.05.2018

Vide the present petition, the petitioners seek quashing of the FIR No. 322/14, PS Neb Sarai under Sections 498-A/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 and that all the disputes between them have been amicably resolved.

The Investigating Officer of the case has identified the petitioner no. 1 Sh. Devender Rawat, petitioner no. 2 Sh. Ravinder Singh Rawat and petitioner no. 3 Smt. Manju as being the three accused arrayed in the FIR No. 322/14, PS Neb Sarai under Sections 498-A/406/34 of the Indian Penal Code, 1860. He has also identified the respondent no. 2 Smt. Arti Negi as being the complainant of the said FIR present in Court today and has further stated that apart from the petitioner nos. 1 to 3 there are no other persons named as accused

in the said FIR. The proofs of identify of the petitioner nos. 1 to 3 and of the respondent no. 2 in the form of photocopies of their Aadhar Cards are on the record as Ex.CW1/A to Ex. CW1/D, originals of which have been seen and returned.

The respondent no. 2 in her examination on oath by the Court has affirmed having signed the mediation settlement dated 05.06.2014 which is Ex. CW2/A and her affidavit Ex. CW2/B in support of the averments made in the petition voluntarily of her own accord without any duress, coercion or pressure from any quarter. She further states that in terms of the mediation settlement Ex.CW2/A, a total sum of Rs. 4,50,000/- was agreed to be paid to her by the petitioners out of which a sum of Rs. 3,00,000/- has been received by her previously and a balance sum of Rs. 1,50,000/- has been handed over to her now by the petitioners vide a demand draft bearing no. 142704 dated 16.05.2018 drawn on the United Bank of India in her favour, photocopy of which is on the record as Ex. CW2/C and states that there are no claims of hers left against the petitioners. *Inter alia* respondent no. 2 has stated that the marriage between her and the petitioner no. 1 has since been dissolved vide a decree of divorce through mutual consent under Section 13(B)(2) of the HMA in HMA No. 140/16 of the Court of the Principal Judge, Family Courts, South Saket, attested copy of which decree sheet is on the record as Ex. CW2/D and that there is no child born out of the wedlock between her and the petitioner no. 1. She has further testified to the effect that she is a graduate and works as an accountant.

On behalf of the State, 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. In view of the submission made on behalf of the State and the statement made by the respondent no. 2, there appears no reason to disbelieve her statement that she has arrived at a settlement with the petitioners voluntarily of her own accord without any duress, coercion or pressure from any quarter.

Taking into account the factum that the respondent no. 2 is a graduate and work as an accountant, for maintenance of peace and harmony between the petitioners and the respondent no. 2, it is considered appropriate to put a quietus to the litigation between the parties, 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)

the FIR No. 322/14, PS Neb Sarai under Sections 498-A/406/34 of the Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioner no. 1 Sh. Devender Rawat, petitioner no. 2 Sh. Ravinder Singh Rawat and petitioner no. 3 Smt. Manju are quashed.

The petition is disposed of.

ANU MALHOTRA, J

MAY 29, 2018/NC

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CRL.M.C. 3045/2018

DEVENDER RAWAT & ORS.

Vs. STATE & ANR

Statement of CW1 : SI Ranjit, PS Neb Sarai, Delhi.

ON S.A.

I identify the petitioner no. 1 Sh. Devender Rawat, petitioner no. 2 Sh. Ravinder Singh Rawat and petitioner no. 3 Smt. Manju as being the three accused arrayed in the FIR No. 322/14, PS Neb Sarai under Sections 498-A/406/34 of the Indian Penal Code, 1860. I also identify the respondent no. 2 Smt. Arti Negi as being the complainant of the said FIR present in Court today. Apart from the petitioner nos. 1 to 3 there are no other persons named as accused in the said FIR.

The proofs of identify of the petitioner nos. 1 to 3 and of the respondent no. 2 in the form of photocopies of their Aadhar Cards are on the record as Ex.CW1/A to Ex. CW1/D respectively. (Originals seen and returned.)

ANU MALHOTRA, J

RO & AC

MAY 29, 2018

96

CRL.M.C. 3045/2018

DEVENDER RAWAT & ORS.

Vs. STATE & ANR

Statement of CW2 : Smt. Arti Negi, d/o Shri K.S. Negi, aged 35 years, r/o F-138/2, Jawahar Park, New Delhi.

ON S.A.

I do not oppose the prayer made by the petitioners seeking quashing of the FIR No. 322/14, PS Neb Sarai under Sections 498-A/406/34 of the Indian Penal Code, 1860 nor do I want them to be punished in relation thereto.

The mediation settlement dated 05.06.2014 arrived at Delhi Mediation Centre, Saket Courts between me and the petitioners bears my signatures as visible thereon on the attested copy, i.e., Ex. CW2/A as issued by the Mediation Centre. My affidavit annexed to the petition bears my signatures thereon at points A & B on Ex. CW2/B. In terms of the mediation settlement Ex.CW2/A, a total sum of Rs. 4,50,000/- was agreed to be paid to me by the petitioners out of which a sum of Rs. 3,00,000/- has been received by me previously and a balance sum of Rs. 1,50,000/- has been handed over to me now by the petitioners vide a demand draft bearing no. 142704 dated 16.05.2018 drawn on the United Bank of India in my favour, photocopy of which is on the record as Ex. CW2/C.

The marriage between me and the petitioner no. 1 has since been dissolved by a decree of divorce through mutual consent under Section 13(B)(2) of the HMA in HMA No. 140/16 of the Court of the Principal Judge, Family Courts, South Saket, attested copy of which decree sheet is on

the record as Ex. CW2/D. There is no child born out of the wedlock between me and the petitioner no. 1.

I am a graduate and work as an accountant.

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

ANU MALHOTRA, J

**RO & AC
MAY 29, 2018**