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

+ **CRL.M.C. 3083/2018**

JULI DEVI

..... Petitioner

Through: Mr.Gautam Khazanchi, Advocate

versus

STATE OF NCT OF DELHI & ORS Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
with ASI Ombir, PS Dabri
Respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **30.05.2018**

Crl.M.A. No. 10833/2018 (Exemption)

This is an application filed on behalf of the petitioner for exemption from filing certified copies of the annexures.

Exemption allowed, subject to just exceptions.

Crl.M.C. No. 3083/2018 and Crl.M.A. No.10832/2018

Vide the present petition, the petitioner seeks quashing of the FIR No.145/2014 under Sections 498A/406/34 Indian Penal Code, 1860, Police Station Dabri submitting to the effect that a settlement has been arrived at between the petitioner and the respondents No. 2 to 6, *namely*, Ashok Sharma @ Sonu, Vinod @ Monu, Smt. Lalita Devi, Bacchu Sharma and Anu @ Laxman and that the respondent No.2 to 6 and the petitioner are living together and all the disputes between them have been resolved.

The Investigating Officer is present and has identified the respondents No.2 to 6, *namely*, Ashok Sharma @ Sonu, Vinod @ Monu, Smt. Lalita Devi, Bacchu Sharma and Anu @ Laxman as

being the accused and the petitioner as being the complainant in relation to FIR No.145/2014 under Sections 498A/406/34 Indian Penal Code, 1860, Police Station Dabri. The Investigating Officer has stated in reply to a specific court query that the petitioner and the respondent No.2 are living together.

Placed on record with the petition is the copy of proceedings dated 30.11.2016 of the Court Metropolitan Magistrate (Mahila Court-02), Dwarka in CC No.4990187/16 which is indicted to have been settled in view of the settlement arrived at between the parties. Placed on record is also a settlement agreement dated 28.5.2018 executed between the petitioner and the respondents No.2 to 6 as per which document, it is indicated that the petitioner and the respondent No.2 are living together since 14.10.2016 without any problems and that the petitioner herein does not seek the further prosecution of the respondents No.2 to 6.

The petitioner in her examination on oath by the Court testified to the effect that a settlement has been arrived between her and the respondent No.2 and that she is living with the respondents for the last one year without any problems. The petitioner has studied till standard 8th.

Learned APP for the State also, in the facts and circumstances, does not oppose the prayer made by the petitioner seeking quashing of the FIR No.145/2014 under Sections 498A/406/34 Indian Penal Code, 1860, Police Station Dabri and that she has arrived at a settlement with the respondents respondents No.2 to 6, *namely*, Ashok Sharma @ Sonu, Vinod @ Monu, Smt. Lalita Devi, Bacchu Sharma and Anu

@ Laxman.

In view of the statement made by the petitioner and the record, there appears no reason to disbelieve the statement made by the petitioner that she has arrived at a settlement with the respondents No. 2 to 6 voluntarily of her own accord without any duress, coercion or pressure from any quarter and that she does not seek the continuance of the FIR against the respondents No.2 to 6, *namely*, Ashok Sharma @ Sonu, Vinod @ Monu, Smt. Lalita Devi, Bacchu Sharma and Anu @ Laxman and that the petitioner and the respondent No.2 are living together since 14.10.2016 pursuant to the mediation settlement arrived at between them and the FIR as apparently is indicated to have been registered due to a matrimonial discord which has since been resolved and for maintenance of peace and harmony 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 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 in the interest of justice to put a quietus to the litigation between the parties so that peace and harmony between them is restored. In view thereof the FIR No.145/2014 under Sections 498A/406/34 Indian Penal Code, 1860, Police Station Dabri and all consequential proceedings emanating therefrom against the respondents No.2 to 6, *namely*, Ashok Sharma @ Sonu, Vinod @ Monu, Smt. Lalita Devi, Bacchu Sharma and Anu @ Laxman are thus quashed.

The petition is disposed of.

ANU MALHOTRA, J

MAY 30, 2018/sv

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 106

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JULI DEVI Vs. STATE & ANR.

**CW-1 ASI OMBIR POLICE STATION DABRI
ON S.A.**

I identify the petitioner as being the complainant of FIR No.145/2014 under Sections 498A/406/34 Indian Penal Code, 1860, Police Station Dabri present in the Court today. I also identify the respondents No.2 to 6, *namely*, Ashok Sharma @ Sonu, Vinod @ Monu, Smt. Lalita Devi, Bacchu Sharma and Anu @ Laxman. The identities of the petitioner and the respondents No.2 to 6 in the form of original Aadhaar Cards have been produced, the photocopies of the same qua the petitioner and respondents No.2 to 6 are EX.CW-1/A to Ex.CW-1/F respectively (Originals seen & returned.).

**RO & AC
30.05.2018.**

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 106

Crl. M.C. 3083/2018

JULI DEVI Vs. STATE & ANR.

**CW-2 JULI DEVI W/O ASHOK SHARMA D/O SHANKAR SHARMA
AGED 27 YEARS R/O MAHAVIR ENCLAVE RZ-212, BLOCK C-2,
GALI No.5,DELHI.
ON S.A.**

I have studied till 8th standard and a housewife.

I do not seek continuation of proceedings in relation to FIR No.145/2014 under Sections 498A/406/34 Indian Penal Code, 1860, Police Station Dabri, against the respondents No.2 to 6, *namely*, Ashok Sharma @ Sonu, Vinod @ Monu, Smt. Lalita Devi, Bacchu Sharma and Anu @ Laxman, nor do I want them to be punished in relation thereto in as much as I am living with respondent No.2 for the last one year without any problems. I have no problems with respondents No.2 to 6 as well. I have a child aged six years born out of the wedlock between me and the respondent No.2 and want to live with together.

My affidavit annexed to the petition bears my signatures thereon at point A & B on Ex.CW-2/A which I have signed voluntarily of my own accord without any duress pressure or coercion from any quarter. The settlement document dated 28.5.2018 bears my signatures at point A on Ex.CW-2/B. I have made my statement voluntarily of my own accord without any duress, pressure or coercion from any quarter.

**RO & AC
30.05.2018.**

ANU MALHOTRA, J