$~34

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

\+ CRL.M.C. 3200/2018

MANGAL SINGH & ORS ..... Petitioners

Through: Petitioner nos. 1 to 6 in person with Mr. Vineet Jain, Advocate.

versus

STATE (GNCT OF DELHI)& ANR ..... Respondents

Through: Mr. Kewal Singh Ahuja, APP for State with ASI Malkhan Singh, PS Sangam Vihar.
R-2 in person.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

O R D E R

% 01.06.2018

Vide the present petition, the petitioners seek quashing of the FIR No.579/14, PS Sangam Vihar 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 parties at the Mediation Centre, Saket Courts on 18.02.2016 and that all the disputes between the parties have been amicably resolved and no useful purpose will be served by continuation of further proceedings in the instant case.

The Investigating Officer of the case present has identified the petitioner no. 1 Mangal Singh, petitioner no. 2 Hakim Singh, petitioner no. 3 Smt. Munni Devi, petitioner no. 4 Om Prakash, petitioner no. 5 Smt. Kiran and petitioner no. 6 Yashpal as being the six accused arrayed in the FIR No.579/14, PS Sangam Vihar under Sections 498-A/406/34 of the Indian Penal Code, 1860. He has also

identified the respondent no. 2, Ms. Meeta as being the complainant of the said FIR and has further stated that there are no other persons apart from petitioner nos. 1 to 6 named as accused in the said FIR.

The respondent no. 2 in her examination on oath by the Court has affirmed having signed the mediation settlement dated 18.02.2016 arrived at between her and the petitioners at the Mediation Centre, Saket Courts, copy of which mediation settlement is on the record as Ex.CW2/A. She has further testified to the effect that in terms of the settlement, a total sum of Rs.5 lakhs was agreed to be paid to her by the petitioners and the entire said amount of Rs. 5 lakhs has already been paid to her by the petitioner and has further stated that there are now no claims of hers left against the petitioners. The respondent no. 2 has affirmed having sworn her affidavit Ex.CW2/B voluntarily of her own accord without any duress, coercion or pressure from any quarter. She has further testified to the effect that the marriage between her 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 vide a decree dated 02.12.2016 of the Court of the Principal Judge, Family Court, South Saket in HMA no. 1210/16 and the copy of the said decree is on the record as Ex.CW2/C and she states that there is no child born out of the wedlock between her and the petitioner no.1. She has further submitted that she has studied till Standard 12th and that she works with the automobile industry.

The respondent no. 2 has further stated that she does not oppose the prayer made by the petitioners seeking quashing of the FIR

No.579/14, PS Sangam Vihar under Sections 498-A/406/34 of the Indian Penal Code, 1860 nor does she want them to be punished in relation thereto now in view of the lapse of time.

In the circumstances of the case, taking into account the deposition of the respondent no. 2 and that she is well educated and capable of understanding the implications of the statement made by her, there appears no reason to disbelieve her statement that she has arrived at a settlement with the petitioners voluntarily of her own accord. As the FIR has apparently been registered on the basis of a matrimonial discord which has since been resolved vide the dissolution of the marriage between the petitioner no. 1 and the respondent no. 2 vide a decree of divorce through mutual consent, copy of which decree is on the record as Ex.CW2/C, 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)

In view thereof the FIR No.579/14, PS Sangam Vihar under Sections 498-A/406/34 of the Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioner no. 1 Mangal Singh, petitioner no. 2 Hakim Singh, petitioner no. 3 Smt. Munni Devi, petitioner no. 4 Om Prakash, petitioner no. 5 Smt. Kiran and petitioner no. 6 Yashpal are quashed.

The petition is disposed of.

ANU MALHOTRA, J

JUNE 01, 2018
NC

Statement of CW1 : ASI Malkhan Singh, PS Sangam Vihar.

ON S.A.

I identify the petitioner no. 1 Mangal Singh, petitioner no. 2 Hakim Singh, petitioner no. 3 Smt. Munni Devi, petitioner no. 4 Om Prakash, petitioner no. 5 Smt. Kiran and petitioner no. 6 Yashpal as being six accused arrayed in the FIR No.579/14, PS Sangam Vihar under Sections 498-A/406/34 of the Indian Penal Code, 1860. I also identify the respondent no. 2, Ms. Meeta as being the complainant of the said FIR. There are no other persons apart from petitioner nos. 1 to 6 named as accused in the said FIR.

ANU MALHOTRA, J

RO & AC
JUNE 01, 2018

Statement of CW2 : Ms. Meeta, d/o Sh Dewan Singh, age 27 years, r/o F-3/55, Sangam Vihar, New Delhi.

ON S.A.

I do not oppose the prayer made by the petitioners seeking quashing of the FIR No.579/14, PS Sangam Vihar under Sections 498-A/406/34 of the Indian Penal Code, 1860 nor do I want them to be punished in relation thereto now in view of the lapse of time and I have stated so voluntarily of my own accord without any duress, coercion or pressure from any quarter.

A settlement has been arrived at between me and the petitioners at the Mediation Centre, Saket Courts on 18.02.2016, copy of which mediation settlement bears my signatures at point A on Ex.CW2/A. In terms of the settlement, a total sum of Rs.5 lakhs was agreed to be paid to me by the petitioners and the entire said amount of Rs. 5 lakhs has already been paid to me by the petitioner. There are now no claims of mine left against the petitioners. My affidavit annexed to the petition bears my signatures at points A & B on Ex.CW2/B.

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 vide a decree dated 02.12.2016 of the Court of the Principal Judge, Family Court, South Saket in HMA no. 1210/16 and the copy of the said decree is on the record as Ex.CW2/C. There is no child

born out of the wedlock.

I have studied till Standard 12th and I work with the automobile industry.

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

ANU MALHOTRA, J

RO & AC
JUNE 01, 2018