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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3188/2018 & CRL.M.A. 11168/2018**

RAJINDER RANA & ORS Petitioner
Through: Mr. KK Tiwari, Adv.

versus

THE STATE (NCT OF DELHI) &ANR Respondent
Through: Mr. Sanjeev Sabharwal, APP for
State

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **01.06.2018**

Vide the present petition, the petitioner no.1 Shri Rajinder Rana, petitioner no.2 Shri Anand Singh Rana, petitioner no.3 Smt. Leela Devi seek quashing of FIR No.342/2015, registered at PS Swaroop Nagar, under Sections 498A/406/34 Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties at the Counselling Cell in the Court of Principal Judge, North District, Family Courts on 25.03.2017, pursuant to which the petitioner no.1 and the respondent no.2 are living together without any problems now and have resolved all the disputes.

The Investigating Officer of the case present today in Court has identified the petitioner no.1 Shri Rajinder Rana, s/o Shri Anand Singh Rana, petitioner no.2 Shri Anand Singh Rana, s/o late Shri Looor Singh, petitioner no.3 Smt. Leela Devi, w/o Shri Anand Singh Rana as being the

accused arrayed in FIR No.342/2015, registered at PS Swaroop Nagar, under Sections 498A/406/34 Indian Penal Code, 1860 and has also identified the respondent no.2 Ms. Pooja present today in Court as being the complainant thereof. In reply to a specific Court query it has been submitted by the Investigating Officer that the petitioner no.1 and the respondent no.2 are living together.

The respondent no.2 in her deposition on oath on examination by the Court has affirmed the factum of the settlement arrived at between her and the petitioner vide the Counselling Cell settlement Ex.CW2/A and she has also affirmed having sworn her affidavit annexed to the petition as Ex.CW2/B voluntarily of her own accord without any duress or coercion from any quarter. The respondent no.2 has further stated that she is living with the petitioner no.1 for the last one year without any problems now and that she wants to continue to live with the petitioner. She has further stated that there is a child born of the wedlock between her and the petitioner no.1 and that she does not want the petitioners to be punished in relation to the FIR in question. *Inter alia* she has stated that she has studied upto standard 12th and also done her graduation in music and sometimes do music concert.

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

In view of the deposition of the respondent no.2, there is no reason to disbelieve her statement that she has made her statement voluntarily and that she has signed the mediation settlement too voluntarily of her own accord without any duress, coercion or pressure from any quarter and taking into

account the non-opposition on behalf of the State, it is considered appropriate to put a quietus to the litigation between the parties for maintenance of peace and harmony between them, 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.342/2015, registered at PS Swaroop Nagar, under Sections 498A/406/34 Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioner no.1 Shri Rajinder Rana, petitioner no.2 Shri Anand Singh Rana, petitioner no.3 Smt. Leela Devi are quashed.

ANU MALHOTRA, J

JUNE 01, 2018

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CRL.M.C. 3188/2018

RAJINDER RANA & ORS

Vs. THE STATE (NCT OF DELHI) & ANR.

Statement of CW1 : ASI Shish Bhan , PS Swaroop Nagar, Delhi.

ON S.A.

I identify the petitioner no.1 Shri Rajinder Rana, s/o Shri Anand Singh Rana, petitioner no.2 Shri Anand Singh Rana, s/o late Shri Looor Singh, petitioner no.3 Smt. Leela Devi, w/o Shri Anand Singh Rana as being the accused arrayed in FIR No.342/2015, registered at PS Swaroop Nagar, under Sections 498A/406/34 Indian Penal Code, 1860. I also identify the respondent no.2 Ms. Pooja present today in Court as being the complainant thereof.

There are no other persons arrayed as accused in the said FIR.

ANU MALHOTRA, J

RO & AC

JUNE 01, 2018