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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4291/2017**

HANSRAJ MEENA Petitioner
Through: Mr.Sunil Kumar, Advocate

versus

STATE NCT OF DELHI & ANR Respondents
Through: Mr.Izhar Ahmad, APP for State
With SI Awanish Singh, PS Farsh
Bazar
Ms.Mamta Rani, Adv for R-2 with
R-2 in person.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **18.01.2018**
Crl.M.A. No. 17226/2017 (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.4291/2017

Vide the present petition, the petitioner seeks quashing of the FIR No.72/2014, under Sections 498-A/406/34 of the Indian Penal Code, 1860, Police Station Farsh Bazar, submitting to the effect that the petitioner and the respondent No.2 have arrived at a settlement inasmuch as both of them are living together w.e.f. 1.10.2016 pursuant to the settlement arrived at the Counselling Cell, Family Courts, Karkardooma Courts, Shahdara.

The Investigating Officer of the case is present and has identified the petitioner and the respondent No.2 present in the Court today. The proofs of identity of the petitioner on the record in the form of Aadhar Card, being Ex.CW-1/A and the proof of identity of the respondent no.2 in the form of her Aadhar Card being EX.CW-1/B respectively.

The respondent No.2 on her examination on oath by the Court testified to the effect that she is B.A., B.Ed and a teacher and has affirmed having signed her affidavit (EX.CW-2/A) annexed to the petition and also testified to having signed the settlement agreement (EX.CW-2/B) at the Counselling Cell, Family Courts, Karkardooma Courts, Shahdara dated 11.8.2016 executed between her and the petitioner voluntarily of her own accord without any duress, coercion or pressure from any quarter. She further testified to the effect that she is living together with the petitioner and her child aged 5 ½ years w.e.f. October, 2016 and that she has now no problems and wants to continue to live with the petitioner and does not oppose the prayer made by the petitioner seeking quashing of the FIR No.72/2014, under Sections 498-A/406/34 of the Indian Penal Code, 1860, Police Station Farsh Bazar and any other person, *namely*, Kadu Ram Meena (Father-in-law), Kanchan Devi (Mother-in-law), Raj Kumar Meena (Brother-in-law) and Yograj Meena (Brother-in-law) against whom the FIR has been registered but not charge sheeted. The Investigating Officer has also testified to the effect that apart from the petitioner all other persons named in the FIR has been charge-sheeted.

Learned APP for the State also, in the facts and circumstances,

does not oppose the prayer made by the petitioners seeking quashing of FIR No.72/2014, under Sections 498-A/406/34 of the Indian Penal Code, 1860, Police Station Farsh Bazar.

In view of the statement made by the respondent No.2 duly identified by the Investigating Officer of the case and the record and the factum that the respondent No.2 B.A., B.Ed and a teacher and the non-opposition on behalf of the State, there appears no reason to disbelieve the statement made by the respondent No.2 that she has arrived at the settlement with the petitioner 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 petitioner as apparently the FIR is indicated to have been registered due to a matrimonial discord which has since been resolved and that the respondent No.2 is living together with the petitioner and her son aged 5 ½ years w.e.f. October, 2016, 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 prayer made by the petitioner seeking quashing of the FIR No.72/2014, under Sections 498-A/406/34 of the Indian Penal Code, 1860, Police Station Farsh Bazar and all consequential proceedings emanating therefrom against the petitioner and all other persons, *namely*, Kadu Ram Meena (Father-in-law), Kanchan Devi (Mother-in-law), Raj Kumar Meena (Brother-in-law) and Yograj Meena (Brother-in-law) against whom the FIR has been registered but not charge sheeted, is thus allowed and the FIR

No.72/2014, under Sections 498-A/406/34 of the Indian Penal Code, 1860, Police Station Farsh Bazar and all consequential proceedings emanating therefrom are thus quashed against the petitioner.

The petition is disposed of.

ANU MALHOTRA, J

JANUARY 18, 2018/sv

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 1

Crl. M.C. 4291/2017

HANSRAJ MEENA Vs. STATE & ANR.

18.01.2018

**CW-1 SI AWNISH SINGH, POLICE STATION FARSH BAZAR
ON S.A.**

I identify the petitioner, *namely*, Hansraj Meena as the sole accused and the respondent No.2 Smt.Vidya Meena, the complainant of the FIR No.72/2014, under Sections 498-A/406/34 of the Indian Penal Code, 1860, Police Station Farsh Bazar present in the Court today. The proofs of identity of the petitioner in the form of the photocopy of his Aadhar Card bearing No.820724233483 (petitioner) and the proof of identity of the respondent No.2 in the form of the photocopy of her Aadhar Card bearing No.321505698804 have been produced, the same qua the petitioner being Ex.CW-1/A, and of the respondent No.2 being Ex.CW-1/B respectively (Originals seen & returned.).

RO & AC

18.01.2018

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 1

Crl. M.C. 4291/2017

HANSRAJ MEENA Vs. STATE & ANR.

18.01.2018

CW-2 SMT. VIDYA MEENA W/O HANSRAJ MEENA D/O SH.G.L.MEENA, AGED 31 YEARS R/O 1225-A, STREET NO.3, BHOLA NATH NAGAR, SHAHDARA.

ON S.A.

The above mentioned address is my parental address. Previously , the petitioner resided in a rented accommodation H. No.1/38, Gali No.4, Vishwas Nagar, Shahdara.(It is submitted by the petitioner that he is now residing with his wife, i.e., respondent No.2 at the address mentioned by the respondent No.2 w.e.f. December, 2017, and was previously residing at 3/146, Near Geeta Bhawan, Teliwara, Shahdara which accommodation was also on rent which has been left.)

I am B.A, B.Ed and a teacher.

I am living together with the petitioner and my son aged 5 ½ years w.e.f. October, 2016 and I want to continue to live with the petitioner. There are now no problems between me and the petitioner.

In view thereof, I do not oppose the prayer made by the petitioner seeking quashing of the FIR No.72/2014, under Sections 498-A/406/34 of the Indian Penal Code, 1860, Police Station Farsh Bazar. My affidavit

annexed to the petition bears my signatures at Points A and B on EX.CW-2/A. The settlement deed dated 11.8.2016 qua the settlement arrived at the Counselling Cell, Family Courts, Karkardooma Courts, Shahdara bears my signatures thereon at point A on EX.CW-2/B. I have signed the settlement deed voluntarily of my own accord without any duress, pressure or coercion from any quarter.

I do not seek any action against the petitioner and against the persons, *namely*, Kadu Ram Meena (Father-in-law), Kanchan Devi (Mother-in-law), Raj Kumar Meena (Brother-in-law) and Yograj Meena (Brother-in-law) named in the FIR but not charge sheeted.

RO & AC
18.01.2018

ANU MALHOTRA, J