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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5278/2017 & CRL.M.A. 20717/2017**
DHIRENDER KUMAR SINGH Petitioner
Through Mr. Raj Kumar Roy, Adv. with
petitioner in person.

versus

THE STATE GOVT OF NCT OF DELHI & ANR..... Respondent
Through Mr. Kamal Kr. Ghei, APP for State
with SI Narasi Prasad Meena PS
Hazrat Nizamuddin.
Ms. Neha Singh, Adv. for R2 with R2
in person.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

% **ORDER**
06.04.2018

The certified copy of the order dated 01.02.2018 of the Principal Judge, Family Court, Varanasi in Vivah Yachika No. 583/2017 has been submitted on record and vide the said judgment the marriage between the petitioner and the respondent no. 2 has been dissolved in terms of the Section 13(B)(2) of the Hindu Marriage Act, 1955.

The said judgment dated 01.02.2018 also takes into account the proceedings dated 15.12.2017 and 29.01.2018 in this Court of CRL.M.C. 5278/2017. In the interest of justice, the matter is thus being taken up. It has also been submitted on behalf of the petitioner and the respondent no. 2 that in terms of the settlement arrived at between the parties at the

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Allahabad High Court Mediation and Conciliation Centre on 16.05.2017, a total sum of Rs.6 lakhs was payable to the respondent no. 2 by the petitioner of which a sum of Rs.3 lakhs has already been given to her vide DD No. 629683 dated 27.04.2017 and it has been submitted on behalf of the petitioner and the respondent no. 2 that the balance sum of Rs.3 lakhs has been deposited by the petitioner in the name of the Principal Judge, Family Court, Varanasi vide DD No. 532884 dated 08.02.2018 drawn on State Bank of India, Madhyapar (Kutch) which is to be released to the respondent no. 2, the attested copy of which is on record after the present proceedings.

The Investigating Officer of the case has identified the petitioner Dhirender Kumar Singh s/o Sh. Dinesh Kumar Singh as being the accused in relation to the FIR No. 400/16, registered at PS Hazrat Nizamuddin, under Section 354(D)/506/509 of the Indian Penal Code, 1860 and of 66/67/67-A of the I.T. Act. He has also identified the respondent no. 2 Akanksha Rai d/o Late Sh. Dharmender Rai present today in the court as being the complainant of the said FIR. The petitioner and the respondent no. 2 have produced their identity proof in the form of photocopies of their Aadhar Card and PAN Card produced by them, photocopies of which are on the record as Ex.CW1/A and Ex. CW1/B respectively, originals of which have been seen and returned.

The respondent no.2 in her examination on oath by the Court has testified to having sworn her affidavit annexed to the petition as Ex.CW2/D voluntarily of her own accord without any duress or coercion from any quarter and also testified to having arrived at a settlement with the petitioner

voluntarily of her own accord without any duress or coercion from any quarter at the Allahabad High Court Mediation and Conciliation Centre. Copy of the settlement agreement is on record as Ex.CW2/A. She affirms that in terms of the said settlement, a total sum of Rs.6 lakhs was to be paid to her of which Rs.3 lakhs has been paid to her previously vide DD No. 629683 dated 27.04.2017 during the course of the mediation proceedings dated 16.05.2017 and the balance sum of Rs.3 lakhs has been deposited by the petitioner in the name of the Principal Judge, Family Court, Varanasi vide DD No. 532884 dated 08.02.2018 drawn on State Bank of India, Madhyapar (Kutch), attested copy of which is on record as Ex.CW2/C and in terms of the direction of the Court of the Principal Judge, Family Court, Varanasi in Vivah Yachika No. 583/2017 of the Court of the Principal Judge, Family Court, Varanasi, the said amount of Rs.3 lakhs would be handed over to her after the proceedings in the present petition CRL.M.C. 5278/2017 after quashing of the FIR No. 400/16, registered at PS Hazrat Nizamuddin, under Section 354(D)/506/509 of the Indian Penal Code, 1860 and of 66/67/67-A of the I.T. Act. The respondent no. 2 has testified to the effect that she is an MBA and works as an HR in an I.T. Company.

It is considered essential to record the statement of the petitioner as well who in his statement has undertaken not to harass the respondent no. 2 in any manner and not even in social media.

Learned APP for the State submits that in the circumstances of the case, there is no opposition to the prayer made by the petitioner seeking

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quashing of the FIR in question in view of the settlement arrived at between the parties.

Apparently, the FIR which is registered under Section 354(D)/506/509 of the Indian Penal Code, 1860 and of 66/67/67-A of the I.T. Act is an aftermath to the matrimonial discord between the petitioner and the respondent no. 2 which has been resolved between the parties vide the proceedings in Vivah Yachika No. 583/2017 of the Court of the Principal Judge, Family Court, Varanasi on 01.02.2018 and the certified copy of the proceedings in relation thereto is Ex.CW2/B. There appears no reason to disbelieve their statements that the respondent no. 2 has made her statement voluntarily of her own accord without any duress, coercion or pressure from any quarter and that she does not oppose the prayer made by the petitioner seeking quashing of the FIR No. 400/16, registered at PS Hazrat Nizamuddin, under Section 354(D)/506/509 of the Indian Penal Code, 1860 and of 66/67/67-A of the I.T. Act in view of the settlement arrived at between the parties on 16.05.2017 at the Allahabad High Court Mediation and Conciliation Centre. Copy of the settlement agreement is on record as Ex.CW2/A and for maintenance of peace and harmony between the petitioners and the respondent no.2, it is considered essential to put *a quietus* to the litigation in view of the observations in the verdict of the Hon'ble Supreme Court 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)

it is considered appropriate to allow the prayer made by the petitioner seeking quashing of FIR No. 400/16, registered at PS Hazrat Nizamuddin, under Section 354(D)/506/509 of the Indian Penal Code, 1860 and of

66/67/67-A of the I.T. Act and all the consequential proceedings emanating therefrom against the petitioner. In view thereof the FIR No. 400/16, registered at PS Hazrat Nizamuddin, under Section 354(D)/506/509 of the Indian Penal Code, 1860 and of 66/67/67-A of the I.T. Act and all the consequential proceedings emanating therefrom against the petitioner Dhirender Kumar Singh s/o Sh. Dinesh Kumar Singh are quashed.

The petition is disposed of.

Copy of the order be given Dasti under the signature of the Court Master.

ANU MALHOTRA, J

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DHIRENDER KUMAR SINGH versus

THE STATE GOVT OF NCT OF DELHI & ANR

**Statement of CW1 : SI Narasi Prasad Meena PS Hazrat Nizamuddin,
Delhi.**

ON S.A.

I identify the petitioner Dhirender Kumar Singh s/o Sh. Dinesh Kumar Singh as being the accused in relation to the FIR No. 400/16, registered at PS Hazrat Nizamuddin, under Section 354(D)/506/509 of the Indian Penal Code, 1860 and of 66/67/67-A of the I.T. Act. I also identify the respondent no. 2 Akanksha Rai d/o Late Sh. Dharmender Rai present today in the court as being the complainant of the said FIR. The proof of the identity of the petitioner and of the respondent no. 2 in the form of photocopies of Aadhar Card and PAN Card produced by them are Ex.CW1/A and Ex. CW1/B respectively (originals seen and returned).

**RO & AC
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ANU MALHOTRA,J

Statement of CW2 : Akanksha Rai d/o Late Sh. Dharmender Rai, aged 29 years r/o C-27, Sheelnagar Extension, Behind Moti Jheel, Mehmurganj, Thana Bhelupur, Varanasi and presently at C-6/D, Railway Colony, Lajpat Nagar, New Delhi
ON S.A.

I do not oppose the prayer made by the petitioner seeking quashing of the FIR No. 400/16, registered at PS Hazrat Nizamuddin, under Section 354(D)/506/509 of the Indian Penal Code, 1860 and of 66/67/67-A of the I.T. Act in view of the settlement arrived at between me and the petitioner on 16.05.2017 at the Allahabad High Court Mediation and Conciliation Centre. Copy of the settlement agreement is on record as Ex.CW2/A. The marriage between me and the petitioner has been dissolved vide the proceedings in Vivah Yachika No. 583/2017 of the Court of the Principal Judge, Family Court, Varanasi on 01.02.2018 and the certified copy of the proceedings in relation thereto is Ex.CW2/B. In terms of the settlement arrived at between me and the petitioner, a total sum of Rs.6 lakhs was to be paid to me of which Rs.3 lakhs has been paid to me previously vide DD No. 629683 dated 27.04.2017 during the course of the mediation proceedings dated 16.05.2017 and the balance sum of Rs.3 lakhs has been deposited by the petitioner in the name of the Principal Judge, Family Court, Varanasi vide DD No. 532884 dated 08.02.2018 drawn on State Bank of India, Madhyapar (Kutch), attested copy of which is on record as Ex.CW2/C. In

terms of the direction of the Court of the Principal Judge, Family Court, Varanasi in Vivah Yachika No. 583/2017 of the Court of the Principal Judge, Family Court, Varanasi, the said amount of Rs.3 lakhs would be likely to be handed over to me after the proceedings in the present petition CRL.M.C. 5278/2017 after quashing of the FIR No. 400/16, registered at PS Hazrat Nizamuddin, under Section 354(D)/506/509 of the Indian Penal Code, 1860 and of 66/67/67-A of the I.T. Act. My affidavit annexed to the petition bears my signatures thereon at points-A and B on Ex.CW2/D.

The petitioner after the settlement arrived at the Allahabad High Court Mediation and Conciliation Centre has not harassed me in any manner. I am an MBA. I am an HR in I.T. Company. I have made this statement voluntarily of my own accord without any duress, pressure or coercion from any quarter.

RO & AC
APRIL 06, 2018/MK

ANU MALHOTRA,J

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CRL.M.C. 5278/2017

DHIRENDER KUMAR SINGH versus

THE STATE GOVT OF NCT OF DELHI & ANR

Statement of CW3 : Dhirender Kumar Singh s/o Sh. Dinesh Kumar Singh, aged 34 years r/o Plot No. 49, Jay Yogeshwar Society, Swaminarayan Nagar, Madhapar, Junavas, Madhapar, Kachchh, Gujarat.

ON S.A.

I undertake to never harass the respondent no. 2 in any form nor on the social media. My signature is visible at point-A on Ex.CW2/A. I am an MBA and I am working.

**RO & AC
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ANU MALHOTRA,J