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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 346/2018 & CRL.M.A. 1333-1334/2018**
HARMEET SINGH MADAN & ORS Petitioner
Through Mr. Javed Khan, Adv. with P2 & P3
in person.
versus
STATE & ANR Respondent
Through Mr. Kamal Kr. Ghei, APP for State
with SI Ompal Singh PS Model Town
Mr. Parvinder Singh, Adv. for R2
with R2 in person.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA
ORDER
% **23.01.2018**

CRL.M.A. 1334/2018

CRL.M.A. 1334/2018 is an application filed on behalf of the petitioner seeking exemption from filing certified copies of the annexures A & B. The same is allowed, subject to just exceptions.

The application is disposed of.

CRL.M.C. 346/2018

Though the petitioner no. 1 Harmeet Singh Madan s/o Sardar Balwant Singh is arrayed on record in the instant case, is not named in the FIR No. 374/15, registered at PS Model Town, under Sections 324/506/34 of the Indian Penal Code, 1860 as brought forth on the perusal of the FIR in question.

The petitioner no. 2 Smt. Simran @ Sandeep w/o Prince @ Gurmeet Singh and the petitioner no. 3 Smt. Astha Kaur w/o Gurdeep Madan have

brought their original Election Commission Identity Cards bearing no. JRL0912931 and bearing no. NCR 0688499 respectively to prove their identity, photocopies of which are directed to be placed on the record. The respondent no. 2 has also brought her proof of the identity and has shown her passport bearing no. M0503760 valid upto 31.07.2024 through her mobile. Learned counsel for the respondent no.2 whose vakalatnama is on record has also identified the respondent no. 2 present today in the Court.

The Investigating Officer of the case has also identified the petitioners no. 2 & 3 and the respondent no. 2 on the basis of the documents produced by them.

Vide the present petition, the petitioner no. 2 Smt. Simran @ Sandeep w/o Prince @ Gurmeet Singh and the petitioner no. 3 Smt. Astha Kaur w/o Gurdeep Madan seek quashing of the FIR No. 374/15, registered at PS Model Town, under Sections 324/506/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties in the Delhi Mediation Centre, Rohini Courts, Delhi dated 19.07.2017, which is exhibited as Ex.CW2/B and pursuant to which the petitioner no. 1 Harmeet Singh Madan s/o Sardar Balwant Singh and the respondent no. 2 are living together peacefully with their child.

The respondent no. 2 is also present today in the Court and has been examined by the Court and she has testified that her affidavit annexed to the petition bears her signature thereon at points-A and B on Ex.CW2/A and that she has also signed the said settlement agreement dated 19.07.2017 Ex.CW2/B voluntarily of her own accord without any duress, pressure or coercion from any quarter. She has further testified to the effect that she is a

graduate and she has stated that there are no problems now between her and the petitioners.

Apparently the FIR in question emanates from a matrimonial discord between the petitioners and the respondent no. 2 and as the said discord is indicated to have been resolved between the parties and the respondent no. 2 and the petitioner no. 1 are living together peacefully with their minor child, thus to maintain 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.]”

(emphasis supplied)

and in the case of *Jitendra Raghuvanshi & Ors. Vs. Babita Raghuvanshi & Anr.* (2013) 4 SCC 58, wherein the Supreme Court in respect of the matrimonial disputes has specifically held as follows:-

“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 thus considered appropriate in the interest of justice that the prayer made by the petitioners no. 2 & 3 seeking quashing of the FIR No. 374/15, registered at PS Model Town, under Sections 324/506/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom is allowed and thus the FIR No. 374/15, registered at PS Model Town, under Sections 324/506/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner no. 2 Smt. Simran @ Sandeep w/o Prince @ Gurmeet Singh and the petitioner no. 3 Smt. Astha Kaur w/o Gurdeep Madan are quashed.

The petition is disposed of.

ANU MALHOTRA, J

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CRL.M.C. 346/2018

HARMEET SINGH MADAN & ORS versus STATE & ANR

Statement of CW1: SI Ompal Singh PS Model Town, Delhi

ON S.A.

I identify the petitioner no. 2 Smt. Simran @ Sandeep w/o Prince @ Gurmeet Singh and the petitioner no. 3 Smt. Astha Kaur w/o Gurdeep Madan as being the only accused in relation to the FIR No. 374/15, registered at PS Model Town, under Sections 324/506/34 of the Indian Penal Code, 1860. I also identify the respondent no. 2 Smt. Avneet Kaur Madan w/o Sh. Harmeet Singh Madan i.e. the complainant of the FIR No. 374/15, registered at PS Model Town, under Sections 324/506/34 of the Indian Penal Code, 1860.

The respondent no. 2 has brought her proof of the identity and has shown her passport bearing no. M0503760 valid upto 31.07.2024 through her mobile.

The petitioner no. 2 has brought her original Election Commission Identity Card bearing no. JRL0912931 (photocopy of the same be placed on record). The petitioner no. 3 has also brought her original Election Commission Identity Card bearing no. NCR 0688499 (photocopy of the same be placed on record).

ANU MALHOTRA, J

RO & AC

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CRL.M.C. 346/2018

HARMEET SINGH MADAN & ORS versus STATE & ANR

Statement of CW2: Smt. Avneet Kaur Madan w/o Sh. Harmeet Singh Madan, aged 35 years r/o A-222, Derawal Nagar, Delhi – 110009.

ON S.A.

My affidavit annexed to the petition bears my signature thereon at points-A & B on Ex.CW2/A. The certified copy of the settlement agreement arrived at between the parties in the Delhi Mediation Centre, Rohini Courts, Delhi dated 19.07.2017 bears my signatures as visible thereon at point-A on Ex.CW2/B which I have signed voluntarily of my own accord without any duress or coercion from any quarter. I have been living with the petitioner no. 1 Harmeet Singh Madan s/o Sardar Balwant Singh i.e. my spouse since the date of the institution of the FIR No. 374/15, registered at PS Model Town, under Sections 324/506/34 of the Indian Penal Code, 1860. The minor child born out of the wedlock between me and the petitioner no. 1 is living with us. There are no problems now with the petitioners. I thus do not oppose the prayer made by the petitioners no. 2 & 3 i.e. my sisters-in-law (Nanad and Devrani) seeking quashing of the FIR No. 374/15, registered at PS Model Town, under Sections 324/506/34 of the Indian Penal Code, 1860 nor do I want the petitioner nos. 2 & 3 to be punished in relation thereto. I am a graduate. I have made this statement voluntarily of my own accord without any duress, pressure or coercion from any quarter.

ANU MALHOTRA, J

RO & AC

JANUARY 23, 2018/MK