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

+ CRL.M.C. 6295/2019

NOOPUR WALIA

..... Petitioner

Through: Ms. Akriti Jai, Adv. with petitioner
in person.

versus

STATE & ORS

..... Respondents

Through: Mr. Ashok Kumar Garg, APP for
State with SI Vikas.
Mr. Mayank Goswami, Adv. for
respondents with R-2,4,5 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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31.07.2020

(The matter has been taken up through video conferencing)

The Investigating Officer of the case has identified the petitioner and Mr. Rohit Walia, the respondent no.1. Learned counsel for the respondents, Mr. Mayank Goswami has identified Mrs. Kusum Lata Walia and Mr. Rahul Walia and they have been identified by the petitioner.

Vide the present petition, the petitioners seek the quashing of the FIR No.245/2017, PS Hari Nagar (West), under Sections 498A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom in as much as it has been submitted that the differences between the petitioner and the respondent no.2 have since been settled and no useful purpose would be served by the continuation of the proceedings in the FIR in question. It has also been testified by the petitioner that the marriage between her and the respondent no.2 has since been dissolved vide a decree

of divorce through mutual consent under Section 13B(2) of the HMA, 1955 in HMA Petition No.2236/2019 vide a decree dated 30.10.2019 of the Court of the Judge, Family Courts, West District, THC, Delhi. The judgment dated 30.10.2019 of the Court of the Judge, Family Courts, West in HMA No.2236/2019 incorporates that there is no child born of the wedlock between the petitioner and the respondent no.2 Mr. Rohit Walia and that all disputes between the parties stand settled without any consideration of amount.

To similar effect is the statement made by the petitioner in reply to specific Court queries on oath. She further states to the effect that she does not want the continuation of the proceedings qua the FIR in question any more nor does she want the petitioner nos.2, 4 & 5 to be punished in relation thereto.

The status report that has been submitted by the State dated 30.07.2020 under the signature of the SHO, PS Hari Nagar vouches the factum of the demise of the respondent no.3 Mr. Ramesh Kumar Walia.

In as much as all claims between the petitioner and the respondent no.2 have been settled and the marriage between the petitioner and the respondent no.2 has been dissolved vide a decree of divorce through mutual consent with the petitioner not seeking any action against the respondents any more and there being no reason to disbelieve her statement that she has arrived at a settlement with the respondent no.2 voluntarily, taking into account the factum that she is a graduate and she works as an HR Incharge and has understood the implications of the statement made by her, it is considered appropriate to put a quietus to the litigation and disputes between the parties for maintenance of peace and harmony between them, in terms of

the verdict of the Hon'ble Supreme Court in **Narender Singh & Ors. V. State of Punjab**; (2014) 6 SCC 466 wherein it has been observed vide paragraph 31(IV) to the effect:

“31. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under [Section 482](#) of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

(I)

(II)

(III)

(IV) On the other, those criminal cases having overwhelmingly and pre-dominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

.....”

and in view of the observations 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),

the FIR No.245/2017, PS Hari Nagar (West), under Sections 498A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the respondents are quashed.

The petition is disposed of.

ANU MALHOTRA, J

JULY 31, 2020

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CW-1 SI Vikas, PS Hari Nagar.

I identify the respondent no.2 Mr. Rohit Walia, respondent no.4 Mrs. Kusum Lata Walia and respondent no.5 Mr. Rahul Walia as being the accused arrayed in FIR No.245/2017, PS Hari Nagar (West), under Sections 498A/406/34 of the Indian Penal Code, 1860 and I identify the petitioner no.1 Ms. Noopur Walia as being the complainant thereof.

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CW-2 Ms. Noopur Walia, d/o Sh. Jai Singh Ahluwalia, age 30 years, r/o WZ 182, Gali No.4, Virender Nagar, West Delhi.

ON S.A.

I filed the present petition under Section 482 of the Cr.PC, 1973 Crl. M.C. 6295/2019 voluntarily of my own accord in as much as a settlement has been arrived at between me and the respondent no.2 and the marriage between me and the respondent no.2 has since been dissolved vide a decree of divorce through mutual consent under Section 13B(2) of the HMA, 1955 in HMA Petition No.2236/2019 vide a decree dated 30.10.2019 of the Court of the Judge, Family Courts, West District, Delhi.

There is no child born of the wedlock between me and the respondent no.2 Mr. Rohit Walia. There are no financial terms of the settlement arrived at between me and the respondent no.2 as also brought forth through the certified copy of the decree dated 30.10.2019 in HMA No.2236/2019 of the Court of the Judge, Family Courts, West. I have no claims against the respondent no.2 Mr .Rohit Walia. The respondent no.3 Mr. Ramesh Kumar Walia has since expired.

I do not oppose the prayer made by the petitioners seeking the quashing of the FIR No.245/2017, PS Hari Nagar (West), under Sections 498A/406/34 of the Indian Penal Code, 1860 in view of the mutual settlement arrived at between me and the respondents nor do I want the

respondent nos.2, 4 & 5 to be punished in relation thereto.

I am a graduate and I work as a HR in Make my trip.

I have made my statement after understanding the implications thereof voluntarily of my own accord without any duress, coercion or pressure from any quarter.

RO & AC
31.07.2020

ANU MALHOTRA, J