

\$~20

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1229/2019**

MANISH SEHGAL Petitioner
Through: Ms.Anju Thomas, Advocate

versus

STATE (NCT OF DLEHI)& ANR RespondentS
Through: Ms.Meenakshi Dahiya, APP for State
With SI Jaipal Singh, PM Cell
Security

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **24.02.2020**

The Investigating Officer of the case is present and has identified the petitioners No.1 to 4 and the petitioner No.6 and the proof of identity of the petitioner No.5, placed on record as being the accused arrayed in FIR No. 878/15 PS Ranjit Nagar, registered under Sections 498A/406/34 of the Indian Penal Code and has also identified the respondent No.2 as being the complainant of the said FIR.

The petitioners vide the present petition seek quashing of FIR No. 878/15 PS Ranjit Nagar, registered under Sections 498A/406/34 of the Indian Penal Code, 1860, submitting to the effect that a settlement has been arrived at between the petitioner No.1 and the respondent No.2 vide the settlement document dated 2.7.2016 at the Delhi Mediation Centre, Tis Hazari Courts and that pursuant to the said settlement, the marriage between the respondent No.2 and the

petitioner No.1 has since been dissolved vide a decree of divorce through mutual consent during the proceedings under Section 13B(1) and 13B(2) of the Court of the Principal Judge, Patiala House Courts, dated 17.7.2017 in HMA No. 504/2017 and the copy of the decree sheet in relation thereto is Ex.CW-2/B.

The respondent No.2 in her deposition on oath has produced her original proof of identity, i.e. Aadhar Card, a copy of the same has been placed on record by the respondent No.2. She has also identified Mr.Manobal Gupta, present today in Court today as being her counsel and affirmed having signed the mediation settlement dated 2.7.2016 arrived at the Delhi Mediation Centre, Tis Hazari Courts, EX.CW-2/A voluntarily of her own accord without any duress, pressure or coercion from any quarter, and has testified to the effect that in view of the settlement, the marriage between her and the petitioner No.1 has since been dissolved vide a decree of divorce through mutual consent under Section 13B(2) of the Court of the Principal Judge, Patiala House Courts, dated 17.7.2017 in HMA No. 504/2017 and the copy of the decree sheet in relation thereto is Ex.CW-2/B. She further stated that there is no child born of the wedlock between her and the peitioner No.1. She further deposed that in terms of the settlement arrived at between her and the petitioner No.1 a sum of Rs.6.45,000/- was to be paid to her by the petitioner No.1 which sum has already been received by her and now there are no claims of hers left against the petitioners and in view thereof she does not oppose the prayer made by the petitioners seeking quashing of the FIR No. 878/15 PS Ranjit Nagar, registered under Sections 498A/406/34 of the Indian

Penal Code nor does she want the petitioners to be punished in relation thereto. She further submitted that she is a graduate and has understood the implications of the statement made by her and that she has so stated voluntarily of her own accord without any duress, pressure or coercion from any quarter.

On behalf of the State, there is no opposition to the prayer made by the petitioners seeking the quashing of the FIR in question in view of the settlement arrived at between the parties and the deposition of the respondent No.2.

There appears no reason to disbelieve the statement made by the respondent no.2 that she has arrived at a settlement with the petitioner no.1 voluntarily of her own accord without any duress pressure or coercion from any quarter. In view of the statement made by the respondent no.2 and the non-opposition on behalf of the State in as much as the FIR in question has emanated from a matrimonial discord which has since been resolved vide dissolution of the marriage between the respondent no.2 and the petitioner no. 1 in as much as the respondent no.2 has categorically stated that there are no claims of hers left against the petitioners, it is considered appropriate to put a quietus to the litigation and disputes between the parties for maintenance of peace and harmony between them as also for the well being of the respondent no.2, 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. 878/15 PS Ranjit Nagar, registered under Sections 498A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioners are quashed.

The petition is disposed of.

ANU MALHOTRA, J

FEBRUARY 24, 2020/sv

Item No. 20

CRL.M.C. No.1229/2019

MANISH SEHGAL & ORS. V. STATE AND ANR.

CW-1 SI JAIPAL SINGH PRESENTLY POSTED AT P.M.CELL
SECURITY.

ON S.A.

I identify the petitioners No.1 to 4 and 6, namely Manish Sehgal, Tarun Sehgal, Arun Sehgal @ Rajan, Simran Sehgal and Jatin Nijhawan and the identity proof of petitioner No.5, namely, Gigo @ Pooja Nijhawan as being the accused arrayed in FIR No. 878/15 PS Ranjit Nagar, registered under Sections 498A/406/34 of the Indian Penal Code present in the Court today. I also identify the respondent No.2 as being the complainant of the said FIR.

ANU MALHOTRA, J.

RO & AC

24.2.2020.

Item No. 20

CRL.M.C. No.1229/2019

MANISH SEHGAL & ORS. V. STATE AND ANR.

CW-2 MS.SHILPI SEHGAL, D/O JAG PRAVESH AGED 32 YEARS, R/O 2985/2, GALI NO.11, RANJIT NAGAR, NEW DELHI.
ON S.A.

I have brought my original proof of identity, i.e. Aadhar Card, a copy of the same be placed on record by the respondent No.2. I identify Mr.Manobal Gupta, present today in Court as being my counsel.

The mediation settlement dated 2.7.2016 arrived at the Delhi Mediation Centre, Tis Hazari Courts, copy of the same is annexure P-4, bears my signatures as visible thereon on each page thereof as also at point A on EX.CW-2/A. I have signed this document voluntarily of my own accord without any duress, pressure or coercion from any quarter. The marriage between me and the petitioner No.1 has since been dissolved vide a decree of divorce through mutual consent during the proceedings under Section 13B(1) and 13B(2) of the Court of the Principal Judge, Patiala House Courts, dated 17.7.2017 in HMA No. 504/2017 and the copy of the decree sheet in relation thereto is Ex.CW-2/B. There is no child born of the wedlock between me and the petitioner No.1.

In terms of the settlement arrived at between me and the petitioner No.1 a sum of Rs.6,45,000/- was to be paid to me by the petitioner No.1 of which sum has already been received by me and now there are no claims of mine left against the petitioners. In view thereof I do not oppose the prayer made by the petitioners seeking quashing of the FIR No. 878/15 PS Ranjit Nagar, registered under Sections 498A/406/34 of the Indian Penal Code nor

do I want the petitioners to be punished in relation thereto.

I am a graduate and have understood the implications of the statement made by me. I have stated so voluntarily of my own accord without any duress, pressure or coercion from any quarter.

ANU MALHOTRA, J.

RO & AC
24.2.2020.