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

\+ CRL.M.C. 408/2020

NISHANT ARORA & ORS ..... Petitioners

Through: Mr.C.M.Sangwan, Advocate

versus

THE STATE (NCT OF DELHI) & ANR ..... Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
With SI Radha Sharma, PS CWC Nanakpura
Mr.Amit Gaur, Adv for R-2 withR-2 in person.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

O R D E R

% 27.01.2020

Crl.M.A.No. 1698/2020

Exemption allowed, subject to just exceptions.

Crl.M.C No.408/2020

The petitioners vide the present petition seek quashing of the FIR No.71/2018 PS CWC Nanakpura, registered under Sections 498-A/406/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties and that the petitioner No.1 and the respondent No.2 have since reconciled and sorted out their differences amicably.

The Investigating Officer is present and has identified the petitioners No. 1 to 4, namely, Nishant Arora, Rajesh Kumar, Raman Rani and Neha Manocha as being the accused arrayed in FIR No.71/2018 PS CWC Nanakpura, registered under Sections 498-

A/406/34 of the Indian Penal Code, 1860 present in the Court today and has also identified the respondent No.2 present in the Court today as being the complainant of the said FIR.

The respondent No.2 on being examined on oath has produced her proof of identity i.e. Aadhar Card. The photocopy of the same is EX.CW-2/A and has also testified having signed her affidavit in support of the averments made in the petition Ex.CW-2/B voluntarily of her own accord without any duress, pressure or coercion from any quarter. She further stated since 1.9.2019 she has been living with the petitioner No.1 without any problems now and that she has a child aged 4 years born of the wedlock between her and the petitioner No.1 and that she wants to continue to live with the petitioner No.1.and that there are now no problems between her and the petitioners No.1 to 4. The respondent No.2 has also stated to the effect that in terms of the settlement she does not oppose the prayer made by the petitioners no. 1 to 4, *namely,* Nishant Arora, Rajesh Kumar, Raman Rani and Neha Manocha seeking quashing of the FIR No.71/2018 PS CWC Nanakpura, registered under Sections 498-A/406/34 of the Indian Penal Code, 1860 nor does she want the petitioners to be punished in relation thereto.

There is no opposition on behalf of the State in view of the settlement arrived at between the parties.

In view of the deposition made by the respondent No.2 and in view of the settlement arrived at between the parties, 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 and in view of the factum that she is a graduate and runs a parlour and understands the implications of the statement made by her 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 and the respondent No.2 has been living with the petitioner No.1 since 1.9.2019 after the reconciliation effected between them and that they have a child aged 4 years born of the wedlock, 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 and the child born of the wedlock of the petitioner No.1 and 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) .....*
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> *(II) .....*
>
> *(III) .....*
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> *(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. They 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….”***
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> ***(emphasis supplied)***,

the FIR No.71/2018 PS CWC Nanakpura, registered under Sections 498-A/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

JANUARY 27, 2020/SV

Item No. 84
CRL.M.C. 408/2020
NISHANT ARORA & ORS V. STATE & ANR.

CW-1 SI RADHA SHARMA PS CWC NANAKPURA
ON S.A.

I identify the petitioners No. 1 to 4, namely, Nishant Arora, Rajesh Kumar, Raman Rani and Neha Manocha as being the accused arrayed in FIR No.71/2018 PS CWC Nanakpura, registered under Sections 498-A/406/34 of the Indian Penal Code, 1860 present in the Court today. I also identify the respondent No.2 present in the Court today as being the complainant of the said FIR.

ANU MALHOTRA, J.

RO & AC
27.1.2020

Item No. 84
CRL.M.C. 408/2020
NISHANT ARORA & ORS V. STATE & ANR.
CW-2 MANDEEP KAUR DHINGRA W/O NISHANT ARORA D/O MAHENDER PAL SINGH, AGED 27 YEARS R/O T-2434, SUBHASH NAGAR FAIZ ROAD, NAIWALA, KAROL BAGH S.O. CENTRAL DELHI-5
ON S.A.

I have brought my original proof of identity i.e. Aadhar Card. The photocopy of the same is EX.CW-1/A.

My affidavit in support of the petition bears my signatures at point A & B on Ex.CW-1/B. I have signed this document voluntarily of my own accord without any duress, pressure or coercion from any quarter. Since 1.9.2019 I have been living with the petitioner No.1 after the reconciliation effected between us and there are now no problems between me and the petitioners No.1 to 4. I have a child aged 4 years born of the wedlock between me and the petitioner No.1. In view thereof, I do not oppose the prayer made by the petitioners no. 1 to 4, *namely,* Nishant Arora, Rajesh Kumar, Raman Rani and Neha Manocha seeking quashing of the FIR No.71/2018 PS CWC Nanakpura, registered under Sections 498-A/406/34 of the Indian Penal Code, 1860 nor do I want the petitioners to be punished in relation thereto.

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

ANU MALHOTRA, J.

RO & AC
27.1.2020