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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1070/2019 and Crl.M.A. No. 39297/2019**

HARVINDER SINGH Petitioner
Through: Mr.Pankaj Jain, Advocate

versus

STATE & ANR. Respondent
Through: Ms.Meenakshi Dahiya, APP for State
with SI Sandeep PS Kashmere Gate
Respondent No.2 in person.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **21.01.2020**

Vide the present petition, the petitioner seeks quashing of the FIR No. 25/2013 PS Kashmere Gate registered under Sections 406/498-A/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties during the course of the proceedings in HMA No. 59879/16 before the Court of the Judge, Family Courts, North, Rohini and marriage between the petitioner and the respondent No.2 has since been dissolved vide a decree of divorce through mutual consent dated 23.09.2016 during the course of the proceedings in HMA No. 59879/16 before the Court of the Judge, Family Courts, North, Rohini and that no useful purpose would be served by the continuation of the proceedings in relation to the FIR in question.

The Investigating Officer present in the Court today has been deputed by the SHO of the police station concerned and has identified

the petitioner as being the accused arrayed in FIR No. 25/2013 PS Kashmere Gate registered under Sections 406/498-A/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 Investigating Officer further testified that the parents-in-law of the respondent No.2 were put in column No.12.

The respondent No.2 in her examination on oath has brought her original proof of identity i.e. Aadhar Card, the photocopy of the same is EX.CW-2/B and has affirmed having signed the Joint Statement made by her and the petitioner during the course of proceedings in HMA No. 59879/16 before the Court of the Judge, Family Courts, North, Rohini on 22.9.2016 bearing her signatures as visible at point A on Ex.CW-2/A voluntarily of her own accord without any duress, pressure or coercion from any quarter. The respondent No.2 further submitted that all her claims qua the stridhan and qua the present, past and future maintenance from the petitioner have been settled and there are now no claims of hers left against the petitioner. The child born of the wedlock between her and the petitioner named Tanveer Kaur is in the custody of the petitioner. The respondent No.2 further submitted that the marriage between her and the petitioner has since been dissolved vide a decree of divorce through mutual consent under Section 13-B(2) of the Hindu Marriage Act, 1955 dated 23.09.2016 in HMA No. 59879/16 before the Court of the Judge, Family Courts, North, Rohini, Delhi and the copy thereof as issued by the Copying Agency of the said Court is Ex.CW-2/C. The respondent No.2 further submitted that she has no opposition to the prayer made by the

petitioner seeking quashing of the FIR No. 25/2013 PS Kashmere Gate registered under Sections 406/498-A/34 of the Indian Penal Code, 1860 nor does she oppose the quashing of the FIR in question against the parents of the petitioner nor does she want the petitioner or his parents to be punished in relation thereto as the matter between her and the petitioner was over. The respondent No.2 has further stated that she has made her statement voluntarily of her own accord without any duress, pressure or coercion from any quarter in as much as all matters between her and the petitioner have since been settled. She further submitted that she is a graduate and works in a Hotel and she has made her statement after understanding the implications of the statement.

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 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 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. 25/2013 PS Kashmere Gate registered under Sections 406/498-A/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 21, 2020/sv

Item No.10

CRL.M.C. 1070/2019

HARVINDER SINGH V. STATE & ANR.

**CW-1 SI SANDEEP POLICE STATION KASHMERE GATE
ON S.A.**

I identify the petitioner, namely Harvinder Singh as being the accused arrayed in FIR No. 25/2013 PS Kashmere Gate registered under Sections 406/498-A/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. The parents-in-law of the respondent No.2 were put in column No.12.

ANU MALHOTRA, J.

**RO & AC
21.1.2020**

Item No.10

CRL.M.C. 1070/2019

HARVINDER SINGH V. STATE & ANR.

**CW-2 MS AKANKSHA D/O SH. SATISH AHUJA R/O A-12 & A-22, 3rd
FLOOR, GOPAL NAGAR, AZAD PUR, AGED 36 YEARS
ON S.A.**

I have brought my original proof of identity i.e. Aadhar Card, the photocopy of the same is EX.CW-2/B.

The certified copy of the Joint Statement made by me during the course of proceedings in HMA No. 59879/16 before the Court of the Judge, Family Courts, North, Rohini on 22.9.2016 bears my signatures as visible at point A on Ex.CW-2/A which I have signed voluntarily of my own accord without any duress, pressure or coercion from any quarter. All my claims qua the stridhan and qua the present, past and future maintenance from the petitioner have been settled and there are now no claims of mine left against the petitioner. The child born of the wedlock between me and the petitioner named Tanveer Kaur is in the custody of the petitioner.

The marriage between me and the petitioner has since been dissolved vide a decree of divorce through mutual consent under Section 13-B(2) of the Hindu Marriage Act, 1955 dated 23.09.2016 in HMA No. 59879/16 before the Court of the Judge, Family Courts, North, Rohini, Delhi. The copy thereof as issued by the Copying Agency of the said Court is Ex.CW-2/C. I have no opposition to the prayer made by the petitioner seeking quashing of the FIR No. 25/2013 PS Kashmere Gate registered under Sections 406/498-A/34 of the Indian Penal Code, 1860 nor do I oppose the quashing of this FIR against the parents of the petitioner nor do I want the petitioner or his parents to be punished in relation thereto as the matter

between me and the petitioner is over. I have so stated voluntarily of my own accord without any duress, pressure or coercion from any quarter in as much as all matters between me and the petitioner have since been settled. I am a graduate and work in a Hotel and I have made my statement after understanding the implications of the statement. I have made my statement voluntarily of my own accord without any duress, pressure or coercion from any quarter.

ANU MALHOTRA, J.

**RO & AC
21.1.2020**