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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1078/2020**

SH. PANKAJ KUMAR & ORS. Petitioners
Through: Mr.R.D.Singh and Mr.Sahil Khurana,
Advocate

versus

STATE & ANR. Respondents
Through: Mr.Ashok Kumar Garg, APP for State
with SI Kailash Chand, PS Sagarpur
Respondent No.2 in person

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
% **26.02.2020**
Crl.M.A. No. 4269/2020

Exemption allowed, subject to just exceptions.

Crl.M.C. No. 1078/2020

The petitioners vide the present petition seek quashing of FIR No. 150/2017 PS Sagarpur 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 at the Counselling Cell, Family Court, Patiala House, New Delhi, pursuant to which all claims and disputes between the parties have been amicably resolved and that the marriage between the petitioner and respondent No.2 has since been dissolved vide a decree of divorce through mutual consent. It is thus submitted on behalf of the petitioners that no useful purpose would be served by the continuation of the proceedings in relation to

the FIR in question.

The Investigating Officer is present and has identified the petitioners on the basis of the identity proofs brought by them and has also identified the respondent No.2, present in the Court today as being the complainant in the FIR in question.

The respondent No. 2 is present in person and on examination on Oath by the Court has produced her original proof of identity, i.e. Aadhar Card. A copy of the same is placed on record and marked as EX.CW-1/A. She affirms having signed an affidavit in support of the averments made in the petition (marked as Ex.CW-1/B) and the settlement deed dated 19.3.2019 (marked as EX.CW-1/C) voluntarily of her own accord without any duress, pressure or coercion from any quarter.

She further deposed that in terms of the settlement, the marriage between her 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, Family Courts, Patiala House Courts dated 13.12.2019 in HMA No. 1030/2019. The copy of the decree sheet in relation thereto is attached with the petition and marked as Ex.CW-1/D. Respondent No.2 further deposed that in terms of the settlement arrived at between her and the petitioner No.1, all the disputes between them have been resolved amicably and no claims remain against the petitioners. Thus she does not oppose the prayer made by petitioners No. 1 to 5, namely, Pankaj Kumar, Maniram Yadav, Pushpa Yadav, Satender Yadav and Vinod Yadav seeking quashing of

FIR No. 150/2017 PS Sagarpur registered under Sections 498-A/406/34 IPC nor does she want the petitioners to be punished in relation thereto. She further affirms that she has understood the implications of the statement made by her and 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 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 question 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 no 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 she does not have any claim remaining 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),

Accordingly, the FIR No. 150/2017 PS Sagarpur registered under Sections 498-A/406/34, 1860 and all consequential proceedings emanating therefrom against the petitioners are quashed.

The petition is disposed of.

SANJEEV NARULA, J

FEBRUARY 26, 2020/SV