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

+ **CRL.M.C. 1320/2020 & CRL.M.A. 5050/2020**

SHRI VIKASH KUMAR & ORS. Petitioners

Through: Petitioners in person with Mr. Gaurav
Malhotra, Advocate.

versus

STATE & ANR Respondents

Through: Mr. Ashok Kumar Garg, APP for
State with SI Pooja, PS GTB Enclave.
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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06.03.2020

CRL.M.A. 5050/2020 (Ex.)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 1320/2020

Vide the present petition, the petitioners seek the quashing of the FIR No.219/2018, PS GTB Enclave under Sections 498A/406 of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act, 1961 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 are living together w.e.f. 10.05.2019 without any problems now, no useful purpose would be served by the continuation of the proceedings in relation to the present FIR.

The Investigating Officer who is present today submits that she is deputed by the SHO concerned and has identified the petitioner nos.1 to 6 i.e. the petitioner no.1 Shri Vikas Kumar, petitioner no.2 Sh. Rajvir Singh, petitioner no.3 Smt. Santosh Singh, petitioner no.4 Smt. Poonam, petitioner no.5 Sh. Kuldeep Singh and petitioner no.6 Ms. Preeti Singh present today in Court as being the six accused arrayed in FIR No.219/2018, PS GTB Enclave under Sections 498A/406 of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act, 1961 and she has also identified the respondent no.2 Ms. Vandana as being the complainant thereof. She has also stated that she has been informed by the Investigating Officer that the petitioner no.1 and the respondent no.2 are living together.

The respondent no.2 has produced her original proof of identity, photocopy of which is on the record as Ex.CW2/A. The respondent no.2 in her deposition on oath has affirmed having signed her affidavit Ex.CW2/B in support of the averments made in the petition as well as the settlement that has been arrived at between her and the petitioner no.1 at the Counselling Cell, Family Court, KKD Courts, Delhi on 07.05.2019 at point A on Ex.CW2/C, qua which she states that she has signed these documents voluntarily of her own accord without any duress, coercion or pressure from any quarter. She has further testified to the effect that she and the petitioner no.1 have reconciled and they are living together since 10.05.2019 without any problems along with their minor child aged 5 years and that she wants to continue to live with the petitioner no.1 and that she does not oppose the prayer made by the petitioners seeking the quashing of the FIR No.219/2018, PS GTB Enclave under Sections 498A/406 of the Indian Penal Code, 1860 and Section 4 of

the Dowry Prohibition Act, 1961 nor does she want them to be punished in relation thereto.

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.

The respondent no.2 is apparently well educated having done her M.Tech and teaches and she states that she has understood the implications of the statement made by her, there appears no reason to disbelieve her statement that she has arrived at a settlement with the petitioners voluntarily of her own accord without any duress, coercion or pressure from any quarter.

In as much as, the FIR has apparently emanated from a matrimonial discord between the parties which has since been resolved between the petitioner no.1 and the respondent no.2, for maintenance of peace and harmony between the parties and for the well being of the minor child of the petitioner no.1 and the respondent no.2, it is considered appropriate to put a quietus to the litigation between the parties 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),

In view thereof, the FIR No.219/2018, PS GTB Enclave under Sections 498A/406 of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act, 1961 and all consequential proceedings emanating therefrom against the petitioner nos.1 to 6 i.e. the petitioner no.1 Shri Vikas Kumar, petitioner no.2 Sh. Rajvir Singh, petitioner no.3 Smt. Santosh Singh, petitioner no.4 Smt. Poonam, petitioner no.5 Sh. Kuldeep Singh and petitioner no.6 Ms. Preeti Singhare quashed.

The petition is disposed of.

ANU MALHOTRA, J

MARCH 06, 2020

‘neha chopra’

**IN THE HIGH COURT OF DELHI: NEW DELHI
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CRL.M.C. 1320/2020

SH.VIKASH KUMAR & ORS. Vs. STATE & ANR.

06.03.2020

CW-1 SI Pooja, PS GTB Enclave.

ON S.A.

I have been deputed by the SHO concerned. I identify the petitioner nos.1 to 6 i.e. the petitioner no.1 Shri Vikas Kumar, petitioner no.2 Sh. Rajvir Singh, petitioner no.3 Smt. Santosh Singh, petitioner no.4 Smt. Poonam, petitioner no.5 Sh. Kuldeep Singh and petitioner no.6 Ms. Preeti Singh present today in Court as being the six accused arrayed in FIR No.219/2018, PS GTB Enclave under Sections 498A/406 of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act, 1961 and I also identify the respondent no.2 Ms. Vandana as being the complainant thereof.

The petitioner no.1 and the respondent no.2 are living together as informed to me by the Investigating Officer of this case.

**RO & AC
06.03.2020**

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

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CRL.M.C. 1320/2020

SH.VIKASH KUMAR & ORS. Vs. STATE & ANR.

06.03.2020

CW-2 Ms. Vandana, w/o Sh. Vikas Kumar, age 36 years, r/o House No.F-284, Panchwati Enclave, Shatabdi Nagar, Meerut, Uttar Pradesh.

ON S.A.

I have brought my original proof of identity, photocopy of which is on the record as Ex.CW2/A.

My affidavit in support of the averments made in the petition bears my signatures at points A & B on Ex.CW2/B. A settlement has been arrived at between me and the petitioner no.1 at the Counselling Cell, Family Court, KKD Courts, Delhi on 07.05.2019 which also bears my signatures as visible at point A on Ex.CW2/C, I have signed these documents voluntarily of my own accord without any duress, coercion or pressure from any quarter.

The petitioner no.1 and I have reconciled and we are living together since 10.05.2019 without any problems alongwith with our minor child aged 5 years and I want to continue to live with the petitioner no.1.

In view of the settlement arrived at between me and the petitioner no.1, I do not oppose the prayer made by the petitioners seeking the quashing of the FIR No.219/2018, PS GTB Enclave under Sections 498A/406 of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act, 1961 nor do I want them to be punished in relation thereto.

I have done my M.Tech and I teach.

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
06.03.2020

ANU MALHOTRA, J