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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1437/2020 & CRL.M.A. 5538/2020**

GAURAV YADAV @ GAURAV Petitioner

Through: Petitioner in person with counsel
(appearance not given.)

versus

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

Through: Mr. Kamal Kumar Ghei, APP for
State with SI Madan Mohan, PS
Ranhola.
R-2 in person.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **16.03.2020**

CRL.M.A. 5538/2020 (Ex.)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 1437/2020

Vide the present petition, the petitioner seeks the quashing of the FIR No.774/2015, PS Ranhola under Sections 498A/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 and the respondent no.2 have

CRL.M.C. 1437/2020

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since reconciled, resolved their differences and are living together 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 of the case is present and has identified the petitioner present today in Court as being the sole accused charge sheeted in relation to FIR No.774/2015, PS Ranhola under Sections 498A/406/34 of the Indian Penal Code, 1860 and he has also identified the respondent no.2 as being the complainant thereof.

The respondent no.2 has produced her Aadhaar Card and the number of the Aadhaar Card produced by the respondent no.2 is the same as on the copy of the Aadhaar Card placed on the record at page 93 with the name as Anuradha whereas the document is in the name of Radha qua which the respondent no.2 states that she has applied for rectification for her name as being Anuradha who had duly identified by the Investigating Officer of the case and the proceedings in the present matter have been conducted further.

The respondent no.2 in her deposition on oath has affirmed having signed her affidavit in support of the averments made in the petition at points A & B on Ex.CW2/A as well as the mediation settlement dated 29.04.2016 arrived at between her and the petitioner at the Delhi Mediation Centre, THC, Delhi at point A on Ex.CW2/B, 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 in terms of the settlement arrived at between her and the petitioner, she is living with the petitioner without any problems now for approximately last 4 years with her two children namely Niharika and Naitik

and that she wants to continue to live with the petitioner. The respondent no.2 has further stated that she does not oppose the prayer made by the petitioner seeking the quashing of the FIR No.774/2015, PS Ranhola under Sections 498A/406/34 of the Indian Penal Code, 1860 nor does she want the petitioner to be punished in relation thereto. She further states that she has understood the implications of the statement made by her.

On behalf of the State, there is no opposition to the prayer made by the petitioner seeking the quashing of the FIR in question in view of the reconciliation arrived at between the parties.

In view of the deposition of the respondent no.2, there appears no reason to disbelieve the statement that she has arrived at a settlement with the petitioner voluntarily of her own accord without any duress, coercion or pressure from any quarter, for maintenance of peace and harmony between the parties, in as much as the petitioner and the respondent no.2 have since reconciled and are living together, 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

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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.774/2015, PS Ranhola under Sections 498A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner are thus, quashed.

The petition is disposed of.

ANU MALHOTRA, J

MARCH 16, 2020

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IN THE HIGH COURT OF DELHI: NEW DELHI

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CRL.M.C. 1437/2020

GAURAV YADAV @ GAURAV Vs. STATE & ANR

16.03.2020

CW-1 SI Madan Mohan, PS Ranhola.

ON S.A.

I identify the petitioner Gaurav Yadav @ Gaurav present today in Court as being the sole accused charge sheeted in relation to FIR No.774/2015, PS Ranhola under Sections 498A/406/34 of the Indian Penal Code, 1860 and I also identify the respondent no.2 Ms. Anuradha as being the complainant thereof.

RO & AC

16.03.2020

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IN THE HIGH COURT OF DELHI: NEW DELHI

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CRL.M.C. 1437/2020

GAURAV YADAV @ GAURAV Vs. STATE & ANR

16.03.2020

CW-2 Ms. Anuradha, w/o Sh. Gaurav, aged 23 years, r/o Baliyara, Kanpur and previously r/o A-3, Yadav Enclave, Gali No.10, Vikas Nagar, Uttam Nagar, Delhi.

ON S.A.

I have brought my original proof of identity in the form of my original Aadhaar Card. (The Aadhaar Card produced by the witness bears the same number as shown in the document placed at page 93 of the record, though, the Aadhaar Card is in the name of Radha with the name of the complainant being Anuradha. The respondent no.2 states that she has applied for correction of the name and has also produced the photocopy of the Aadhaar Card as placed on record at page 93 also.)

The Investigating Officer has duly identified the respondent no.2 as being the complainant, therefore, her further cross-examination is being conducted.

My affidavit in support of the averments made in the petition bears my signature at points A & B on Ex.CW2/A. The mediation settlement dated 29.04.2016 arrived at between me and the petitioner at the Delhi Mediation Centre, THC, Delhi also bears my signatures as visible at point A on Ex.CW2/B, I have signed these documents voluntarily of my own accord without any duress, coercion or pressure from any quarter. In terms of the settlement arrived at between me and the petitioner, I am living with the

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petitioner without any problems for approximately last 4 years with my two children namely Niharika and Naitik and I want to continue to live with the petitioner.

In view thereof, I do not oppose the prayer made by the petitioner seeking the quashing of the FIR No.774/2015, PS Ranhola under Sections 498A/406/34 of the Indian Penal Code, 1860 nor do I want the petitioner to be punished in relation thereto.

I have studied till Standard VIII.

I have made my statement after understanding the implications thereof, voluntarily of my own accord without any duress, coercion or pressure from any quarter.

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