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

+ CRL.M.C. 1489/2020

ROHAN DUGGAL & ORS.

.... Petitioners

Through: Ms.Mithila Jain, Adv. with petitioners in person.

versus

THE STATE & ANR

..... Respondents

Through: Ms.Manjeet Arya, APP for State with
Inspector M.P.Singh, P S C.R.Park
Mr. Himanshu Yadav Adv. for R-2 with
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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04.06.2020

Vide the present petition, the petitioners 1 to 7 i.e. Rohan Duggal, Ashwani Duggal, Anita Duggal, Pankaj Duggal, Daisy Duggal, Shweta Duggal and Rita Bhutani seek quashing of FIR No.216/2016, PS Chitaranjan Park registered under Sections 498A/406/34 of the Indian Penal Code, 1860 against the petitioners No.1 to 7 and under Section 377 of the Indian Penal Code, 1860 against the petitioner No.1 Rohan Duggal submitting to the effect that a settlement has since been arrived at between the parties vide a settlement deed dated 24.10.2019 and that no useful purpose would be served by the continuation of the proceedings in relation to the FIR in question.

The Investigating Officer of the case has identified the petitioners No.1 to 7 present today in Court through video conferencing as being the seven accused arrayed in the FIR in question and has also identified respondent no.2 present in Court today through video conferencing as being the complainant of the said

FIR.

The respondent No.2 in reply to a specific Court query has testified to the settlement having been arrived at between her and the petitioner No.1 on 24.10.2019 and further submits that pursuant to the said settlement an amount of Rs.9,00,000/- (Rs, Nine Lakhs) had been agreed to be paid to her by the petitioner No.1 of which the amount of Rs.8,00,000/- had since been received by her except Rs.1,00,000/- which has since been paid to her yesterday i.e., 3.6.2020 through RTGS. She thus submits that the entire settlement amount has since been received by her and that there are now no claims of hers left against the petitioners. The respondent No.2 has further testified to the effect that the marriage between her and the petitioner No.1 has since been dissolved vide a decree of divorce dated 24.12.2019 through mutual consent in HMA No. 1016/2019 of the Court of the Principal Judge, Family Court, South-East, Saket Delhi. The respondent No.2 further submits that thus in view of the settlement arrived at between her and petitioners she does not oppose the prayer made by the petitioners No. 1 to 7 seeking quashing of the FIR in question nor does she want the petitioners to be punished in relation thereto. The respondent No.2 further submits that she is a graduate and has done Masters in Multimedia and has made her statement voluntarily of her own accord without any duress, pressure or coercion from any quarter and after understanding the implications of the statement made by her.

In view of the statement made by the respondent No.2 duly identified by the Investigating Officer there appears no reason to disbelieve the statement of the respondent no.2 that she has arrived at a settlement with the petitioners voluntarily and she being a post graduate understands the implications of the statement made by her, with their being no opposition on behalf of the State to the prayer made by the petitioners seeking the quashing of the FIR in question, 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),

As regards the allegations in the FIR qua the alleged commission of an offence punishable under Section 377 of the Indian Penal Code, 1860 against the petitioner No.1, in view of the verdict of this Court in ***Mayank Bansal & Ors v. State & Anr.*** vide CrI.M.C. No. 5290/2017 in as much as the allegation qua the alleged commission of offence punishable under Section 377 of the Indian Penal Code, 1860 relates to the petitioner No.1, the erstwhile spouse of the respondent No.2 and which apparently allegedly occurred during the course of the matrimonial relation between them, and in view of the verdicts of this Court in ***Vineet Gupta & Ors v. State & Anr.***; CrI.M.C. No. 4891/2019, ***Manav Khurana & Ors. v. The State (NCT of Delhi) & Anr.***; WP(CrI.) No. 2241/2019 dated 5.11.2019, ***Ravinder Kumar & Ors. v. The State (Govt. of NCT of Delhi) & Anr.*** CrI.M.C. No. 1891/2015 dated 18.8.2015, ***Saurabh Gupta & Ors. v. The State (Govt. of NCT of Delhi)*** W.P.(CrI). No.2377/2018 dated 10.8.2018 and in ***Shri Prateek Dhawan & Ors. Vs. The State & Anr.*** in CrI.M.C. No. 2464/2019 dated 31.10.2019 and in ***Shri Manish Verma Vs. State & Anr.*** CrI.M.C. 4227/2019 dated 31.10.2019, it is considered appropriate to put a quietus to the litigation between the parties even qua the alleged commission of the offence punishable under Section 377 of the Indian Penal Code, 1860, alleged against the petitioner No.1 in relation to the FIR in question registered under Section 377 of the Indian Penal Code, 1860 which emanates apparently from the matrimonial discord between them which has since been set at rest between the petitioner No.1 and the respondent No.2 vide a decree of divorce through mutual consent, in these circumstances for maintenance of peace and harmony between the parties, thus the FIR No.216/2016, PS Chitaranjan Park

registered under Sections 498A/406/34 of the Indian Penal Code, 1860 against the petitioners No.1 to 7 and under Section 377 of the Indian Penal Code, 1860 against the petitioner No.1 and all consequential proceedings emanating therefrom are thus quashed. The petition is disposed of.

ANU MALHOTRA, J

JUNE 04, 2020
SV

IN THE HIGH COURT OF DELHI: NEW DELHI

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CRL.M.C. 1489/2020

ROHAN DUGGAL & ORS. VS. THE STATE & OTHER.

04.06.2020

CW-1 INSPECTOR M.P. SINGH, P S CHITARANJAN PARK.

ON S.A.

I identify the petitioner nos. 1 to 7 i.e. Rohan Duggal, Ashwani Duggal, Anita Duggal, Pankaj Duggal, Daisy Duggal, Shweta Duggal and Rita Bhutani as being the seven accused persons arrayed in the FIR No.216/2016, PS Chitaranjan Park registered under Sections 498A/406/34 of the Indian Penal Code, 1860 against the petitioners No.1 to 7 and under Section 377 of the Indian Penal Code against the petitioner No.1 Rohan Duggal and I also identify the respondent no.2 Ms. Richa Kohli as being the complainant thereof.

RO & AC
04.06.2020

ANU MALHOTRA, J

CRL.M.C. 1489/2020

ROHAN DUGGAL & ORS. VS. THE STATE & OTHER.

04.06.2020

CW-2 MS.RICHA KOHLI, D/O SH. SANJEEV KOHLI AGED 33 YEARS R/O S-281 GREATER KAILASH PART-II, DELHI.

On S.A.

In view of the settlement arrived at between me and the petitioners vide a settlement deed dated 24.10.2019 and in view of the dissolution of marriage between me and the petitioner No.1 which has since been dissolved vide a decree of divorce through mutual consent under Section 13B (2) of the HMA dated 24.12.2019 in HMA Petition No.1016/2019 vide a decree of the Court of the Principal Judge, Family Courts, South-East District, Saket Courts, copy of which is on the record as Ex.CW2/A and in view of the total sum of Rs.9,00,000/- having been received by me of which a sum of Rs.8,00,000/- has since been received by me during the signing of the settlement deed and during the proceedings under Section 13B-I and 13 B-II of the Hindu Marriage Act, 1957 and the pending sum of Rs.1,00,000/- having been received by me from the petitioner no.1 through RTGS on 03.06.2020, I do not oppose the prayer made by the petitioners seeking quashing of the FIR No.216/2016, PS Chitaranjan Park registered under Sections 498A/406/34 of the Indian Penal Code, 1860 against the petitioners No.1 to 7 and under Section 377 of the Indian Penal Code against the petitioner No.1 Rohan Duggal nor do I want the petitioners No. 1 to 7 to be punished in relation thereto as all differences between us have been sorted out. I further state that there is no child born of the wedlock between me and the petitioner No.1 and I have received all my articles in terms of the settlement deed dated 24.10.2019.

I have done Masters in Multimedia and I have made my statement after understanding its implications voluntarily of my own accord without any duress, coercion or pressure from any quarter.

RO & AC
04.06.2020

ANU MALHOTRA, J