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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2164/2019**

RANJEET SINGH @SONU & ORS.

..... Petitioners

Through: Petitioner nos. 1 to 3, 6 & 7 in person
with Mr. A.K. Pathak & Mr. D.K.
Mishra, Advocates.

versus

STATE & ANR

..... Respondents

Through: Ms. Meenakshi Dahiya, APP for State
with SI Bhagwati Parsad, PS Nangloi.
R-2 in person.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **28.01.2020**

The petitioner nos. 1 to 3, 6 & 7 are present in person. The petitioner nos. 4 and 5 are not present. It is informed on behalf of the State that the petitioner no.4 is suffering from mental ailment and is unable to put in appearance and the petitioner no.5 is taking care of the petitioner no.4.

Vide the present petition, the petitioners seek the quashing of the FIR No.799/2015, PS Nangloi registered 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 no useful purpose would be served by the continuation of the proceedings in the present FIR, in as much as, the petitioner no.1 and the respondent no.2 are living together since 14.01.2016

pursuant to the settlement arrived at the Counselling Cell of the Family Court, Dwarka Courts, New Delhi in the course of the proceedings in HMA No.55/2015.

The Investigating Officer of the case is present and has identified the petitioner no. 1 Ranjeet Singh @ Sonu, petitioner no.2 Sh.Om Prakash, petitioner no.3 Smt. Premo, petitioner no.6 Sh. Jitender and petitioner no.7 Smt. Sanjeeta present today in Court and the copies of the proof of identities of the petitioner no.4 Sh. Roshan @ Bhola and petitioner no.5 Smt. Meena @ Meenu placed on the record as being the seven accused arrayed in the FIR No.799/2015, PS Nangloi registered under Sections 498A/406/34 of the Indian Penal Code, 1860 and he has also identified the respondent no.2 Smt. Barkha Devi as being the complainant thereof.

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 examination on oath by the Court has affirmed having signed her affidavit in support of the averments made in the petition at points A & B on Ex.CW2/B as well as the certified copy of the mediation settlement dated 14.01.2016 arrived at between her and the petitioner no.1 at the Counselling Cell, Family Court, Dwarka Courts, New Delhi on Ex.CW2/C, 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 is living with the petitioner no.1 since 14.01.2016 from the date of the said settlement without any problems now along with her daughter aged 8 years now who as per the said settlement dated 14.01.2016 was aged 4 years at the time of said settlement. The

respondent no.2 further states that she wants to continue to live with the petitioner no.1 and thus, does not oppose the prayer made by the petitioners seeking the quashing of the FIR No.799/2015, PS Nangloi registered under Sections 498A/406/34 of the Indian Penal Code, 1860 nor does she want the petitioners to be punished in relation thereto. She has further stated that she has studied till Standard X and has understood the implications of the statement made by her.

Both the respondent no.2 and the petitioner no.1 have stated that *inter se* litigations filed by them have since been withdrawn and pursuant to the directions dated 14.08.2019, the petitioners have placed on record the certified copy of the proceedings dated 14.01.2016 in HMA No.55/2015 of the Court of the Principal Judge, South West District, Family Court indicating the withdrawal of the proceedings under Section 13(1)(ia) of the HMA, 1955 as filed by the petitioner no.1 herein as also stated by him today. The certified copy of the proceedings in CC No.4989057/2016 as pending in the Court of the learned MM-01, Mahila Court, South West is also placed on record which indicates the withdrawal of the said complaint by the respondent no.2 herein as also stated by her. Likewise, the certified copy of the proceedings dated 11.04.2017 of the Court of the learned MM-01, Mahila Court, South West in CC No.4991751/2016 as filed by the mother-in-law of the respondent no.2 i.e. the petitioner no.3 herein under the DV proceedings has also been withdrawn by the petitioner no.3 against the respondent no.2.

Placed on record is also the certified copy of the proceedings dated 14.01.2016 of the Court of the Principal Judge, South West District, Family

Court, Dwarka in Maintenance Petition No.6/2015 indicating the withdrawal of the maintenance petition as well as the interim maintenance application as filed by the respondent no.2 against the petitioner no.1 herein.

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.

On a consideration of the submissions made and the record, it is apparent that the petitioner no.1 and the respondent no.2 have reconciled and are living together w.e.f. 14.01.2016 and in as much as the FIR in question has apparently emanated from a matrimonial discord between the parties which has since been resolved by way of reconciliation between the petitioner no.1 and the respondent no.2, for maintenance of peace and harmony between the parties 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.799/2015, PS Nangloi registered under Sections 498A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioners are thus quashed.

The petition is disposed of.

ANU MALHOTRA, J

JANUARY 28, 2020

‘neha chopra’

IN THE HIGH COURT OF DELHI: NEW DELHI

29

CRL.M.C.2164/2019

RANJEET SINGH @ SONU AND ORS.Vs. STATE & ANR.

28.01.2020

CW-1 SI Bhagwati Prasad, PS Nangloi.

ON S.A.

I identify the petitioner no. 1 Ranjeet Singh @ Sonu, petitioner no.2 Sh.Om Prakash, petitioner no.3 Smt. Premo, petitioner no.6 Sh. Jitender and petitioner no.7 Smt. Sanjeeta present today in Court and the copy of the proofs of identities of the petitioner no.4 Sh. Roshan @ Bhola and petitioner no.5 Smt. Meena @ Meenu placed on the record as being the seven accused arrayed in the FIR No.799/2015, PS Nangloi registered under Sections 498A/406/34 of the Indian Penal Code, 1860 and I also identify the respondent no.2 Smt. Barkha Devi as being the complainant thereof.

RO & AC
28.01.2020

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

29

CRL.M.C.2164/2019

RANJEET SINGH @ SONU AND ORS.Vs. STATE & ANR.

28.01.2020

CW-2 Ms. Barkha, w/o Sh. Ranjeet Singh, age 33 years, r/o H.No.4, Tajpur Khurd, Chhawala, South West.

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. The certified copy of the mediation settlement dated 14.01.2016 arrived at between me and the petitioner no.1 at the Counselling Cell, Family Court, Dwarka Courts, New Delhi also bears my signatures on Ex.CW2/C, I have signed these documents voluntarily of my own accord without any duress, coercion or pressure from any quarter.

I am living with the petitioner no.1 since 14.01.2016 from the date of the said settlement without any problems now along with my daughter aged 8 years now. All litigations between me and the petitioner no.1 have since been withdrawn.

In view thereof, I do not oppose the prayer made by the petitioners seeking the quashing of the FIR No.799/2015, PS Nangloi registered under Sections 498A/406/34 of the Indian Penal Code, 1860 nor do I want the petitioners to be punished in relation thereto.

I have studied till Standard X.

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
28.01.2020

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

29

CRL.M.C.2164/2019

RANJEET SINGH @ SONU AND ORS.Vs. STATE & ANR.

28.01.2020

CW-3 Mr. Ranjeet Singh @ Sonu, son of Sh. Om Prakash, aged 35 years, r/o H.No.4, Tajpur Khurd, Chhawala, South West.

ON S.A.

I have since withdrawn the divorce petition filed by me against the respondent no.2 and I am living with the respondent no.2.

RO & AC

28.01.2020

ANU MALHOTRA, J