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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3493/2019 and Crl.M.A. No. 31569/2019**

SACHIN VAID & ORS Petitioners
Through: Mr.Sanjeev Kumar, Advocate with
petitioners No.1 and 3

versus

STATE OF NCT OF DELHI & ANR Respondents
Through: Mr.Kewal Singh Ahuja, APP for State
With
Mr.Abhay Kumar Mishra, Adv for R-
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CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **18.02.2020**

Petitioner No.2 is stated to have been exempted through counsel.

The Investigating Officer of the case is present and has identified the petitioners No.1 and 3 present in the Court today and the proof of identity of Smt.Savita Devi, as being the accused arrayed in FIR No. 277/2016 PS Vasant Kunj (North) registered under Sections 498A/406/34 of the Indian Penal Code, 1860. The Investigating Officer has also identified the respondent No.2 present in the Court today as being the complainant of the said FIR.

The petitioners vide the present petition seek quashing of FIR No. 277/2016 PS Vasant Kunj (North) registered under Sections 498A/406/34 of the Indian Penal Code, 1860 submitting to the effect

that a settlement has been arrived at between petitioners and the respondent No.2 and that marriage between the petitioner No. 1 and the respondent No.2 has since been dissolved vide a decree of divorce through mutual consent under Section 13-B(2) of the Hindu Marriage Act, 1955 dated 7.4.2018 in HMA No. 309/18 of the Court of the Principal Judge, Family Courts, Patiala House Courts, the copy of the decree of divorce is EX.CW-2/E and all claims between the petitioners and the respondent No.2 have since been resolved in terms of the settlement arrived at between respondent No.2 and the petitioner No.1 at the Delhi Mediation Centre, Patiala House Courts dated 7.12.2016 , the copy of the same is EX.CW-2/D.

The respondent No.2 in her examination on oath by the Court has brought her proof of identity EX.CW-2/A and has affirmed the factum of settlement arrived at between her and the petitioner No.1 at the Delhi Mediation Centre, Patiala House Courts dated 7.12.2016 , in terms of EX.CW-2/D. She further deposed that in terms of settlement arrived at between her and the petitioner No.1 a total sum of Rs.4,00,000/- has already been received by her which includes the draft for a sum of Rs.3,00,000/- in the name of the minor child Rakshita Vaid born of the wedlock between the petitioner No.1 and herself in the form of a demand draft and there are now no claims of hers left against the petitioners. She further states the in view of the settlement arrived at between her and the petitioners, she does not oppose the prayer made by the petitioners seeking quashing of the FIR No. 277/2016 PS Vasant Kunj (North) 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 states that she is pursuing M.A. and working and has understood the implications of the statement made by her and that she so stated voluntarily of her own accord without any duress, pressure or coercion from any quarter.

On behalf of the State in terms of the settlement arrived at between the parties and the statement made by the respondent No.2 there is no opposition to the prayer made by the petitioner seeking quashing of the FIR in question.

There appears no reason to disbelieve the statement made by the respondent no.2 that she has arrived at a settlement with the petitioners 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 the non-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 there are no claims of hers left 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 , 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),

the FIR No. 277/2016 PS Vasant Kunj (North) registered under Sections 498A/406/34 of the Indian Penal Code, 1860 and all proceedings emanating therefrom against the petitioners are thus quashed.

The term in clause 11 of the mediation settlement dated. 7.12.2016 in Mediation No. 1630/16, copy of which is on the record as EXCW-2/D shall however have no embargo to the claims of the minor child Rakshita Vaid born of the wedlock between the petitioner No.1 and the respondent No.2 seeking her claims against the petitioners for maintenance or otherwise in terms of the law as laid down by the Hon'ble Supreme Court in terms of the verdict dated

22.4.2019 in ***Ganesh V. Sudhir Kumar Shrivastava & Ors.***; Civil Appeal Nos. 4031-4032/2019 arising out of SLP(C) Nos. 32868-32869/2018 as adhered to and followed by this Court in ***Rakesh Jain & Ors. v. State and Anr.*** in CrI.M.C. No. 2935/2019.

The petition and the accompanying application are disposed of.

ANU MALHOTRA, J

FEBRUARY 18, 2020/SV

Item No. 26

CRL.M.C. 3493/2019

SACHIN VAID & ORS V. STATE & ANR.

CW-2 MS SUMAN D/O LATE SH. JASWANT SINGH R/O H. NO. 849/II, SARAWATI PURAM, J.N.U. NEW DELHI. AGED 32 YEARS ON S.A.

I have brought my original proof of identity i.e. Aadhar Card. The photocopy of the same is EX.CW-2/A.

My affidavits dated 6.2.2019 and 13.2.2020 in support of the petition bear my signatures at points A & B on Ex.CW-2/B and Ex.CW-2/C respectively. The settlement arrived at between me and the petitioner No.1 arrived at the Delhi Mediation Centre, Patiala House Courts dated 7.12.2016 bears my signatures as visible at point A on EX.CW-2/D . I have signed these documents voluntarily of my own accord without any duress, pressure or coercion from any quarter. The marriage between me and the petitioner No.1 has since been dissolved vide a decree of divorce through mutual consent under Section 13-B(2) of the Hindu Marriage Act, 1955 dated 7.4.2018 in HMA No. 309/18 of the Court of the Principal Judge, Family Courts, Patiala House Courts. The copy of the decree of divorce is EX.CW-2/E. Further in view of the settlement arrived at between me and the petitioner No.1 a total sum of Rs.4,00,000/- has already been received by me which includes the draft for a sum of Rs.3,00,000/- in the name of the minor child Rakshita Vaid born of the wedlock between the petitioner No.1 and the respondent No.2. There are now no claims of mine left against the petitioners. In view of the settlement arrived at between me and the petitioners, I do not oppose the prayer made by the petitioners seeking quashing of the FIR No. 277/2016 PS Vasant Kunj (North) 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 am pursuing M.A. and working and have understood the implications of the statement made by me. I have made my statement voluntarily of my own accord without any duress, pressure or coercion from any quarter.

ANU MALHOTRA, J.

RO & AC
18.2.2020

Item No. 26

CRL.M.C. 3493/2019

SACHIN VAID & ORS V. STATE & ANR.

**CW-1 SI DHARMENDER PS VASANT KUNJ (NORTH)
ON S.A.**

I identify the petitioners No.1 and 3, namely, Sachin Vaid and Naveen Vaid present in the Court today and the proof of identity of Smt.Savita Devi, as being the accused arrayed in FIR No. 277/2016 PS Vasant Kunj (North) registered under Sections 498A/406/34 of the Indian Penal Code, 1860. I also identify the respondent No.2 present in the Court today as being the complainant of the said FIR.

ANU MALHOTRA, J.

**RO & AC
18.02.2020.**