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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 1621/2020 and CRL.M.A.10315/2020

MANJEET KUMAR & ORS. Petitioners
Through: Mr. K.K.Singh, Ms.Tripti Negi and
Ms.Kranti Verma, Advs.
versus

STATE & ANR. Respondents
Through: Mr. Kamal Kumar Ghei, APP for State
with ASI Yashpal

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **05.08.2020**

Vide the present petition, the petitioners seek quashing of the FIR No.226/2016, PS CAW Cell Nanakpura 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 at the Counselling Cell, Family Courts, Dwarka Courts and pursuant thereto, all claims between the petitioners and the respondent no.2 have since been settled and that the marriage between the petitioner no.1 and the respondent no.2 has been dissolved vide a decree of divorce through mutual consent and 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 present today in Court as being the accused arrayed in the FIR in question and has also identified respondent no.2 present in Court today as being the complainant of the said FIR.

The respondent no.2, in reply to a specific Court query, has affirmed the settlement arrived at the Family Courts, Counselling Cell, North District Rohini, Delhi vide a settlement dated 16.10.2019.

She has further stated that pursuant to the settlement arrived at between her and the petitioners, the marriage between her and the petitioner no.1 has since been dissolved vide a decree of divorce dated 17.02.2020 under Section 13B(2) of the HMA, 1955 in HMA Petition No.222/2020 of the Court of the Judge, Family Courts, North Rohini, Delhi. She states further that in terms of the settlement arrived at between her and the petitioners, a total sum of Rs.14,50,000/- has been agreed to be paid to her by the petitioners out of which a sum of Rs.11,60,000/- has already been received by her and the balance sum of Rs.2,90,000/- has been received by her today by way of a Demand Draft bearing No.338893 dated 18.07.2020 drawn on Yes Bank Ltd. There are now no claims of hers left against the petitioners. There is no child born of the wedlock between her and the petitioner no.1

She further states that in view of the settlement arrived at between her and the petitioners, she does not oppose the prayer made by the petitioners seeking the quashing of the FIR No.226/2016, PS CAW Cell Nanakpura 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 a post graduate in political science and teaches on contractual basis.

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.

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 all claims of the respondent no.2 have been settled as testified by the respondent no.2, 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),

the FIR No.226/2016, PS CAW Cell Nanakpura registered under Sections 498A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner Nos. 1, 2 and 3 namely, Mr.Manjeet Kumar, Ms.Indrawati and Mr.Ranbir Singh are quashed.

The petition is disposed of.

ANU MALHOTRA, J

AUGUST 5, 2020

Sg

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19

CRL.M.C. 1621/2020

MANJEET KUMAR & ORS. Vs. THE STATE & ANR.

05.08.2020

CW-1 ASI Yashpal posted in CAW Cell, Nanakpura.

ON S.A.

I identify the petitioners No. 1, 2, 3, namely, Mr.Manjeet Kumar, Ms.Indrawati and Mr.Ranbir Singh present in the Court today as being the accused arrayed in the FIR No.226/2016, PS CAW Cell Nanakpura, Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860. I also identify the respondent No.2, namely, Ms. Neelam present in the Court today as being the complainant of the said FIR.

RO & AC
05.08.2020

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

19

CRL.M.C. 1621/2020

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CW-2 Ms. Neelam D/o Late Shri Azad Singh aged 30 years, R/o House No.345, Bankner, Narela, Delhi-110040

ON S.A.

I do not oppose the prayer made by the petitioners seeking the quashing of the FIR No.226/2016, PS CAW Cell Nanakpura, Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 in as much as a settlement has been arrived at between me and the petitioner no.1 in the Family Courts, Counselling Cell, North District Rohini, Delhi vide a settlement dated 16.10.2019.

In terms of the said settlement, the marriage between me and the petitioner no.1 has since been dissolved vide a decree of divorce through mutual consent under Section 13B(2) of the HMA, 1955 in HMA Petition No.222/2020 vide a decree dated 17.02.2020 of the Court of the Judge, Family Courts, North Rohini, Delhi.

In terms of the settlement arrived at between me and the petitioners, a total sum of Rs.14,50,000/- has been agreed to be paid to me by the petitioners out of which a sum of Rs.11,60,000/- has already been received by me and the balance sum of Rs.2,90,000/- has been received by me today by way of a Demand Draft bearing No.338893 dated 18.07.2020 drawn on Yes Bank Ltd. There are now no claims of mine left against the petitioners. There is no child born of the wedlock between me and the petitioner no.1

In view of the settlement arrived at between me and the petitioners, I do not oppose the prayer made by the petitioners seeking the quashing of the FIR No.226/2016, PS CAW Cell Nanakpura, Delhi, 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 a post graduate in political science and teach on contractual basis.

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

RO & AC
05.08.2020

ANU MALHOTRA, J