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

+ CRL.M.C. 2312/2022

YOGESH SARAOGI & ORS.

... Petitioners

Through: Mr.Bikram Chand Sharma and
Mr. Raj Kumar, Advocates
along with petitioners.

versus

STATE (GOVT. OF NCT OF DELHI) AND
ANR.

.... Respondents

Through: Mr.Panna Lal Sharma, APP for
State with ASI R.P.Singh, PS
Laxmi Nagar
Mr. Ashok Jain and Ms. Ishita
Singhal for Respondent No.2
with Complainant Isha Jain in
person

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

% **19.05.2022**

CRL.M.A. 9779/2022 (exemption)

1. Exemption is allowed subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 2312/2022

3. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "Cr.P.C.") has been filed by the petitioners praying for quashing of FIR bearing No. 34/2018 registered at Police Station Shakarpur, Delhi for offences punishable under Sections 406/498A/354B/506/313/34 of the Indian Penal Code, 1860 (hereinafter "IPC").



4. Notice. Mr. Panna Lal Sharma, learned APP accepts notice on behalf of the State.

5. All the petitioners are present before this Court and have been identified by their counsel Mr. Bikran Chand Sharma, and Investigating Officer (IO) ASI R.P.Singh from Police Station Laxmi Nagar.

6. On a query made by this Court, respondent no.2 who has been identified by the IO, has categorically stated that she has entered into compromise out of her own free will and without any pressure, coercion or threat. It is also stated by respondent No.2 that the entire dispute has been amicably settled between the parties.

7. The brief facts of the case are that the petitioner no.1 and respondent no.2 got married to each other on 11.02.2006 at Delhi according to Hindu rites and ceremonies.

8. That soon after the marriage, the parties residing separately since 10.02.2017, thereafter, the respondent No.2 filed a complaint which was subsequently registered into FIR No. 34/2018 dated 17.01.2018 U/s 406/498A/354B/506/313/34 IPC, P.S. Shakarpur, Delhi. As per order dated 23.07.2019 of this Court, parties have settled all disputes. As per settlement, petitioner had agreed to pay a sum of Rs. 52,00,000/- to the respondent No.2 for grant of motion of divorce as full and final settlement.



9. The petitioner no. 1 had paid a sum of Rs. 39,00,000/- in three installments in the following manner:

a. First installment of Rs. 13 Lakhs deposited with the Registrar General, Delhi High Court and released to Respondent no. 2.

b. Second installment of Rs. 13 Lakhs paid to Respondent no. 2 in the first motion petition.

c. Third installment of Rs. 13 lakhs paid to Respondent no. 2 in the second motion petition.

d. Fourth/Final installment to be paid to Respondent no. 2 at the time of recording her statement for quashing of the FIR before the Hon'ble High Court at New Delhi.

10. As per order passed by this Court on 23.7.2019, the parties have settled all their grievances amicably, hence the respondent no.2 does not want to continue the proceeding emanating from the FIR 34/2018 U/s 406/498A/354B/506/313/34 IPC, P.S. Shakarpur, Delhi against the petitioners.

11. Today, the complainant is present in person who, states that she has received the last and final instalment of Rs. 13 Lakhs today and has no objection if the FIR is quashed by this Court. It is prayed that the instant FIR be quashed on the basis of the order passed by this Court on 23.07.2019 between petitioner no.1 and respondent no.2.

12. Heard, learned counsel for the parties and perused the record.

13. The instant criminal proceedings in respect of non-compoundable offences are private in nature and do not have a serious impact on the



society especially when there is a settlement/compromise between victim and accused. In such cases, it is settled law that High Court is also required to consider the conduct and antecedents of the accused in order to ascertain that the settlement has been entered into by victim's own free will and has not been imposed upon him/her by the petitioner no. 1 or any person related to him. In the present case, the respondent no.2 is present in Court and has categorically stated that she has entered into compromise and settled the entire disputes amicably with petitioner no.1 and his family members by her own free will without any pressure or coercion. There is also no allegation from respondent no.2 that the conduct and antecedents of petitioners have been bad towards her after the compromise. As per the settlement, the respondent No.2 has received the entire settled amount.

14. Moreover, the Hon'ble Supreme Court in ***Jitendra Raghuvanshi & Ors. vs. Babita Raghuvanshi & Anr. (2013) 4 SCC 58***, has held that criminal proceedings on FIR or complaint can be quashed under Section 482 Cr.P.C. in appropriate cases in order to meet ends of justice. Even in non-compoundable offences pertaining to the matrimonial disputes, if Court is satisfied that parties have settled the disputes amicably and without any pressure, then for the purpose of securing ends of justice, FIRs or complaints or subsequent criminal proceedings in respect of offences can be quashed.

15. My attention has also drawn to the fact that the FIR is also under Section 313 of IPC. In this regard, I am guided by the judgment of ***Jitendra Raghuvanshi & Ors. vs. Babita Raghuvanshi & Anr.***



(*supra*) wherein the Supreme Court in respect of the matrimonial disputes has specifically held as follows:-

“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....”



16. While deciding to exercise powers under Section 482 of the Cr.PC one remains conscious of the fact that the settlement in matrimonial disputes plays a crucial role to end the *lis*. Charge sheet has still not been filed in this case and the parties were prudent enough to settle the matter with the help of the Mediation Centre, Delhi High Court.

17. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure. In view of the settlement arrived at between the parties and the law laid down by the Hon'ble Supreme Court, the present petition is allowed. Accordingly, FIR bearing No. 34/2018 registered at Police Station Shakarpur, Delhi for offences punishable under Sections 406/498A/354B/ 506/313/34 of the IPC, PS Shakarpur, Delhi and all consequential proceedings emanating therefrom are quashed.

18. The demand draft in a sum of Rs. 13 lacs has been handed over to the complainant. She has been identified by the IO. Learned counsel has identified the complainant who is present in Court and has accepted the demand draft in the Court itself.

19. The petition stands disposed of.

SWARANA KANTA SHARMA, J

MAY 19, 2022/mw