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

+ **CRL.REV.P. 47/2020**

GAJENDER SINGH NEGI & ORS.

.....Petitioners

Through: Ms. Sanya Sharma with Mr. Srishti
Saini, Advocates.
P-1 and P-3 in court.

versus

STATE & ANR.

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for the
State with SI Yogesh Kumar, P.S.:
K.M. Pur.
Mr. J. S. Rawat, Advocate for R2
with R2 in court.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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10.12.2024

CRL.M.A. 37177/2024

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.A. 37178/2024

By way of the present application filed under section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioners/applicants seek advancement of the date of hearing in the matter, which is otherwise posted on 19.12.2024.

2. For the reasons stated in the application, which is duly supported by an affidavit, the application is allowed.
3. The matter is taken-up for consideration today itself.
4. The application stands disposed-of.



CRL.M.A. 37176/2024

5. By way of the present application filed under section 482 of the Cr.P.C., the petitioners/applicants seek the leave of this court to place on record certain additional documents in the present proceedings.
6. Ms. Sanya Sharma, learned counsel appearing for the petitioners submits, that during the pendency of the present proceedings the parties have amicably resolved their *inter-se* disputes and their settlement has been recorded before the learned Sessions Court *vide* order dated 23.11.2023.
7. Learned counsel submits, that the concerned parties have also obtained divorce by mutual consent, which was allowed *vide* divorce decree dated 23.07.2024.
8. Ms. Sharma submits, that in addition to the above, the petitioners also seek to place on record certain supporting documents such as affidavit of respondent No. 2 and proof of IDs, copies of which have been filed alongwith the present application.
9. In view of the prayer made by way of the present application, it is not considered necessary to issue notice on this application.
10. The application is allowed.
11. The additional documents filed alongwith the present application are taken on record.
12. The application stands disposed-of.

CRL.REV.P. 47/2020

13. By way of the present petition filed under section 397 of the Cr.P.C., the petitioners seeks setting-aside of judgment of conviction dated 18.12.2019 and order on sentence dated 19.12.2019 passed by the



learned Session Court, Saket District Courts, Delhi in C.A. Nos. 95/19 and 554/18, while allowing the appeals filed by the State and the victim respectively challenging judgment dated 29.09.2018 passed by the learned Metropolitan Magistrate, Mahila Court, South District, Saket Courts, New Delhi in FIR No. 12/2009 dated 20.01.2009 registered under sections 498A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Kotla Mubarakpur, Delhi. *Vide* judgment dated 29.09.2018, the learned Metropolitan Magistrate, Mahila Court, Saket District Courts was pleased to acquit the petitioners for the offences under sections 498-A/34 IPC.

14. Though the present petition has been filed as a revision petition challenging judgment of conviction dated 18.12.2019 and sentencing order dated 19.12.2019, Ms. Sharma prays, that in view of the settlement arrived-at between the contesting parties which was not before the appellate court, and in light of the additional documents that have come on record as above, in exercise of its inherent powers the court may quash the subject FIR; and also set-aside the impugned judgment of conviction and sentencing order.
15. Petitioners Nos. 1 and 3, as well as respondent No. 2 are present in court. Their credentials have been verified and they have also been identified by the Investigating Officer and by their respective counsel.
16. Petitioner No.2, who is the mother of petitioner No.1, is stated to be a senior citizen and is presently bed-ridden, due to which she is not able to join the present proceedings.
17. The court has queried respondent No.2, who confirms that she has taken divorce by mutual consent; and that a settlement deed has been



signed between petitioner No.1 and her; and that in full-and-final settlement of all her claims including towards maintenance (past, present and future), *stridhan*, dowry articles, jewellery, permanent alimony, etc., she was to receive a sum of Rs. 41,00,000/-from petitioner No. 1; out of which Rs.36,00,000/- was paid earlier and Rs.5,00,000/- has been paid in court today, in compliance of the terms of the settlement deed. Respondent No. 2 confirms that all aspects of the settlement have now been performed.

18. The parties have confirmed that no child was born from the wed-lock.
19. No appeal is stated to have been filed from the divorce decree.
20. Mr. Sanjeev Sabharwal, learned APP appearing on behalf of the State confirms that the State has no objection to judgment of conviction dated 18.12.2019 and sentencing order dated 19.12.2019 being set-aside alongwith quashing of the subject FIR from which proceedings arose.
21. In the circumstances, in line with the law laid down by the Supreme Court in *Gian Singh vs. State of Punjab & Anr.* reported as (2012) 10 SCC 303 as also in *Narinder Singh & Ors. vs. State of Punjab & Anr.* reported as (2014) 6 SCC 466, this court sees no reason why the subject FIR and all proceedings emanating therefrom should not be quashed. This court is of the view that in light of the settlement between the contesting parties, continuing with all subsequent proceedings would be an exercise in futility and would not be conducive to peace and harmony between the parties.
22. This court is conscious that the disputes between the parties that were subject-matter of the FIR, have now culminated in the passing of a



judgment of conviction and a sentencing order; however, since the disputes arose from matrimonial discord, which has now been amicably resolved between the parties, this court is persuaded to exercise its inherent powers under section 482 Cr.P.C. (now section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023) to close the matter in its entirety, regardless of the judgment of conviction and sentencing order, in the larger interests of justice, peace and harmony between the parties.

23. Accordingly, FIR No. 12/2009 dated 20.01.2009 registered under sections 498A/406/34 IPC at P.S.: Kotla Mubarakpur, Delhi is quashed. All proceedings arising therefrom also stand closed.
24. As a sequitur to the above, judgment of conviction dated 18.12.2019 and order on sentence dated 19.12.2019 passed by the learned Sessions Court, Saket District Court, Delhi in CA No. 95/19 and CA No. 554/18 are also set-aside.
25. Let a copy of this order be sent to the concerned Jail Superintendent *forthwith*, for information and compliance.
26. The date of 19.12.2024 given earlier stands cancelled.
27. The petition stands disposed-of, in the above terms.
28. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

DECEMBER 10, 2024
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