



\$~49

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

+ **CRL.M.C. 8107/2023& CRL.M.A. 30201/2023**

KULWINDER SINGH ALIAS SUNNY SOHALPetitioner

Through: Ms. Kawaljit Kochar, Senior
Advocate with Mr. Shivam Jasra, Mr.
Utkarsh Vats and Mr. Deepanshu,
Advocates.

versus

**STATE OF NCT OF DELHI THROUGH SHO &
ANR**

....Respondents

Through: Mr. Ajay Vikram Singh, APP for the
State with Insp. Deepak, P.S.
Vikaspuri.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **31.01.2025**

1. This hearing has been done through hybrid mode.
2. The present petition under Article 227 of the Constitution of India read with Section 482 of the Cr.P.C. seeks the following prayers:

“I. For quashing of F.I.R. no. 0556 dated 04.09.2016 registered in PS Vikas puri, New Delhi and to quash all consequential proceedings arising therefrom.

II. To pass any other appropriate order which this Hon'ble Court may deem fit as per the facts and circumstances of this case.”

3. The marriage between the petitioner and the respondent no. 2/complainant was solemnized on 12.03.2016, which only lasted for about 2 months and on account of some temperamental differences between the parties, the present FIR No. 556/2016 was registered under Sections



406/498A/34 of the IPC at P.S.Vikaspuri on 04.09.2016 at the instance of respondent no. 2/complainant.

4. Learned counsel appearing on behalf of the petitioner submits that the matter has been settled with respondent no. 2 and in pursuance of the settlement, a decree of divorce has been granted on 15.12.2018 by the Court of learned Additional District Judge, Amritsar.

5. Attention of this Court has been drawn to certified copy of statement of respondent no. 2 recorded before the learned Additional District Judge, Amritsar during filing of first motion is under:

“All the claims of istridhan, gift articles and belongings have been settled among us. Now, nothing has been left due or pending towards each other. I have got a case FIR No. 556 dated 04-09-2016 U/s 406/498-A IPC against the petitioner no. 1 in police station Vikaspuri Delhi which is pending its investigation. I undertake to give a suitable statement in regard to the compromise arrived at in between us in the aforesaid case and I have further undertaken to plead no objection to the allowing of anticipatory bail of the petitioner no. 1 and quashing of the FIR on the basis of the compromise. The detailed terms and conditions settled between us have been incorporated in the petition for divorce filed by U/s 13-B of Hma and I undertake to remain bound by the same.

We shall never file any civil or criminal cases as well as complaints against each other in future in any competent court of law or before any police authority. I shall be bound by the terms and conditions of the petition. I shall never claim any further maintenance from the petitioner no. 1 in future in any Court of law. A decree of divorce be passed and my marriage may kindly be dissolved.”

6. Similarly, at the time of second motion, the following statement was given by respondent no. 2:

“The total settlement of Rs. 3 lakh has been considered as permanent alimony for past, present and future of mine out of which I have already received Rs.1.50 lakh at the time of first motion and remaining amount of Rs. 1.50 lakh has been received by me vide DD No. 775316 dated 14.12.2018 at the time of second motion today in court from petitioner no.1.(Photocopy of said DD is mark A).



Istridhan/Dowry articles/ gifts have been exchanged with each other. I have undertaken to withdraw the criminal case which I have got registered against petitioner no.1 vide FIR No.556 dated 04.09.2016 uw/s 406/498-A IPC in P.S.Vikaspuri, New Delhi by way of giving a suitable statement. No other case is pending against each other in any court of law or any other authority. Both the parties will not file any case of whatsoever nature in future against each other and their respective family members. There is no cohabitation between the parties during the said period. I have made my statement voluntarily without any pressure or undue influence and inducement. Decree of divorce may be granted in our favour”

7. Notice was issued to respondent no. 2, repeatedly, however, in pursuance of the order dated 29.11.2024 passed by this Court the following compliance report dated 29.01.2025 has been filed by the SHO, P.S. Vikas Puri, which is reproduced as under:

“Most respectfully it is submitted that on 26/12/2024¹, hon'ble High Court issued a notice in abovesaid case in the name of Respondent namely Rajni Sharma D/o Sain Dass Sharma R/o 27 Diamond Avenue, Majitha Road, Amritsar, Punjab.

In this regard it is submitted that HC Ravikant, No. 2228, PS Vikaspuri visited the said address to execute that notice, where father & brother of the Rajni Sharma namely Sain Dass Sharma and Sahil met him who stated that Rajni Sharma has shifted to Canada. They didn't provide any contact number or email id of Rajni Sharma. They refused to receive and affix notice at any conspicuous place. Also, they denied to give any statement regarding that. They were non cooperative during the whole process. The said notice could not be executed to Rajni Sharma.

However, her father and brother were apprised of the NDOH i.e. 31.01.2025. They were also apprised that she could appear through an advocate duly appointed by her for that purpose.”

8. In view of the aforesaid compliance report, the Court has proceeded to hear this matter *ex-parte*.

¹ It is observed that in the compliance report authored by SHO P.S. Vikas Puri, date of issuance of notice to respondent no. 2 has been incorrectly recorded as 26.12.2024. However, notice was issued to respondent no.2 on 29.11.2024, as noted hereinabove.



9. The aforesaid statement made by respondent no. 2 clearly reflects that the matter was settled and she had given undertaking to cooperate with the petitioner in quashing the present FIR, however, as pointed out hereinabove, the said respondent no. 2 is not forthcoming to cooperate with the petitioner. It is also noted that even the family members of respondent no. 2 are not cooperating with the petitioner and have refused to appear before this Court.

10. In these circumstances, the continuation of the present proceedings against the petitioner would be an abuse of process of the Court. There is no manner of doubt that respondent no. 2 has settled all her disputes and had taken the total settlement amount of Rs. 3 lakhs, *i.e.*, 1.5 lakhs at the time of first motion and the remaining amount of Rs. 1.5 lakhs at time of second motion, as recorded in the statement made by respondent no. 2 dated 15.12.2018.

11. In **Ruchi Agarwal v. Amit Kumar Agrawal, (2005) 3 SCC 299** the Hon'ble Supreme Court while quashing the criminal proceedings against the accused husband on the basis of compromise despite the complainant having refused to give her consent had observed and held as under:

“6. From the above-narrated facts, it is clear that in the compromise petition filed before the Family Court, the appellant admitted that she has received *stridhan* and maintenance in lump sum and that she will not be entitled to maintenance of any kind in future. She also undertook to withdraw all proceedings, civil and criminal, filed and initiated by her against the respondents within one month of the compromise deed, which included the complaint under Sections 498-A, 323 and 506 IPC and under Sections 3 and 4 of the Dowry Prohibition Act from which complaint this appeal arises. In the said compromise, the respondent husband agreed to withdraw his petition filed under Section 9 of the Hindu Marriage Act pending before the Senior Judge, Civil Division, Rampur and also agreed to give a consent divorce as sought for by the appellant.

7. It is based on the said compromise the appellant obtained a divorce



as desired by her under Section 13-B of the Hindu Marriage Act and in partial compliance with the terms of the compromise she withdrew the criminal case filed under Section 125 of the Criminal Procedure Code but for reasons better known to her she did not withdraw that complaint from which this appeal arises. That apart after the order of the High Court quashing the said complaint on the ground of territorial jurisdiction, she has chosen to file this appeal. It is in this background, we will have to appreciate the merits of this appeal.

8. Learned counsel appearing for the appellant, however, contended that though the appellant had signed the compromise deed with the abovementioned terms in it, the same was obtained by the respondent husband and his family under threat and coercion and in fact she did not receive lump sum maintenance and her stridhan properties. We find it extremely difficult to accept this argument in the background of the fact that pursuant to the compromise deed the respondent husband has given her a consent divorce which she wanted, thus had performed his part of the obligation under the compromise deed. Even the appellant partially performed her part of the obligations by withdrawing her criminal complaint filed under Section 125. It is true that she had made a complaint in writing to the Family Court where Section 125 CrPC proceedings were pending that the compromise deed was filed under coercion but she withdrew the same and gave a statement before the said court affirming the terms of the compromise which statement was recorded by the Family Court and the proceedings were dropped and a divorce was obtained. Therefore, we are of the opinion that the appellant having received the relief she wanted without contest on the basis of the terms of the compromise, we cannot now accept the argument of the learned counsel for the appellant. In our opinion, the conduct of the appellant indicates that the criminal complaint from which this appeal arises was filed by the wife only to harass the respondents.

9. In view of the abovesaid subsequent events and the conduct of the appellant, it would be an abuse of the process of the court if the criminal proceedings from which this appeal arises is allowed to continue. Therefore, we are of the considered opinion to do complete justice, we should while dismissing this appeal also quash the proceedings arising from criminal case Cr. No. 224 of 2003 registered in Police Station Bilaspur (District Rampur) filed under Sections 498-A, 323 and 506 IPC and under Sections 3 and 4 of the Dowry Prohibition Act against the respondents herein. It is ordered accordingly. The appeal is disposed of.”



12. In the aforesaid circumstances and in the interest of justice, the present FIR No. 556/2016, under Sections 406/498A/34 of the IPC, registered at P.S. Vikaspuri and all other consequential proceedings emanating therefrom, are hereby quashed.

13. The petition is allowed and disposed of.

14. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

JANUARY 31, 2025/bsr

Click here to check corrigendum, if any