

# Sh Rakesh Kumar Chaudhary & Ors vs State (Nct Of Delhi) & Anr on 20 August, 2020

**Author: Anu Malhotra**

**Bench: Anu Malhotra**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ CRL.M.C. 1649/2020

SH RAKESH KUMAR CHAUDHARY & ORS.

..... Peti

Through: Petitioners in person with Mr.Dus  
Chaudhary, Advocate.

Versus

STATE (NCT OF DELHI) & ANR.

.....Respon

Through: Mr. Kamal Kumar Ghei, APP for Sta  
with SI Ravi Kumar, PS Karawal Na  
R-2 in person.

HON'BLE MS. JUSTICE ANU MALHOTRA  
ORDER

% 20.08.2020 (hearing through Video Conferencing) The petitioners vide the present petition have sought the quashing of the FIR No.189/2018, PS Karawal Nagar registered under Sections 498A/406/34 of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act submitting to the effect that a settlement has been arrived at between the parties and that the petitioner no.1 and the respondent no.2 are now living together peacefully and amicably.

Vide order dated 14.08.2020, the State was directed to submit the verification report in relation to the averments made to the effect that the petitioner no.1 and the respondent no.2 are living together in relation to which, the status report dated 19.08.2020 has been submitted on behalf of the State Signature Not Verified under the signatures of the SHO, PS Karawal Nagar as also stated by the IO in Digitally Signed By:SUMIT GHAI Signing Date:21.08.2020 12:32:45 This file is digitally signed by PS to HMJ ANU MALHOTRA.

his statement recorded today through Video Conferencing that he himself has verified the factum that the respondent no.2 is now living together with her husband and her in-laws i.e. the petitioner nos.1 to 4 herein and the Investigating Officer has duly identified the petitioner nos. 1 to 4 i.e. petitioner no.1Sh.Rakesh Kumar Chaudhary, petitioner no.2 Sh.Hari Ram Singh, petitioner no.3 Smt.Shanti Devi and petitioner no.4 Sh.Lalit Kumar as being the four accused persons arrayed in

the FIR No.189/2018, PS Karawal Nagar registered under Sections 498A/406/34 of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act and has also identified the respondent no.2 Smt.Meenakshi Bhanodiya as being the complainant thereof.

The respondent no.2 in her deposition on oath by the Court has affirmed the factum of reconciliation arrived at between her and the petitioners and she has further submitted that she is now living with the petitioners without any problems for the last one year and that she wants to continue to live with the petitioner no.1 and his family and that in view of the reconciliation that has been arrived at between her and the petitioners, she does not oppose the prayer made by the petitioners seeking the quashing of the FIR No.189/2018, PS Karawal Nagar registered under Sections 498A/406/34 of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act nor does she want the petitioners to be punished in relation thereto.

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 stated reconciliation and the deposition of the respondent no.2.

The respondent no.2 is apparently well educated being a TGT in SST and she does a job on contractual basis as a teacher and has understood the implications of the statement made by her qua which she stated that she has made her statement voluntarily of her own accord without any duress, coercion Signature or pressure from any quarter and as the FIR has apparently emanated from a Not Verified Digitally Signed By:SUMIT GHAI matrimonial discord between the petitioner no.1 and the respondent no.2 which Signing Date:21.08.2020 12:32:45 This file is digitally signed by PS to HMJ ANU MALHOTRA.

has since been resolved by the reconciliation between them, for maintenance of peace and harmony between the parties, it is considered appropriate to put a quietus to the litigation between the parties 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 Signature victim has been paid compensation, yet certain crimes have Not Verified been made compoundable in law, with or without the Digitally Signed By:SUMIT GHAI Signing Date:21.08.2020 12:32:45 This file is digitally signed by PS to HMJ ANU MALHOTRA.

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 Signature matrimonial disputes and the Court is satisfied that the Not Verified Digitally Signed parties have settled the same amicably and without any By:SUMIT GHAI Signing Date:21.08.2020 12:32:45 This file is digitally signed by PS to HMJ ANU

MALHOTRA.

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. They 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), In view thereof, the FIR No.189/2018, PS Karawal Nagar registered under Sections 498A/406/34 of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act against the petitioner nos.1 to 4 i.e. petitioner no.1 Sh.Rakesh Kumar Chaudhary, petitioner no.2 Sh.Hari Ram Singh, petitioner no.3 Smt.Shanti Devi and petitioner no.4 Sh.Lalit Kumar and all consequential proceedings emanating therefrom are thus quashed.

The petition is disposed of accordingly.

ANU MALHOTRA

Signature

AUGUST

Not Verified

20, 2020

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IN THE HIGH COURT OF DELHI: NEW DELHI SH RAKESH KUMAR CHAUDHARY & ORS.  
Versus STATE (NCT OF DELHI) & ANR.

20.08.2020 CW-1 SI Ravi Kumar, PS Karawal Nagar.

ON S.A. I identify the petitioner nos. 1 to 4 i.e. petitioner no.1 Sh.Rakesh Kumar Chaudhary, petitioner no.2 Sh.Hari Ram Singh, petitioner no.3 Smt.Shanti Devi and petitioner no.4 Sh.Lalit Kumar as being the four accused persons arrayed in the FIR No.189/2018, PS Karawal Nagar registered under Sections 498A/406/34 of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act and I also identify the respondent no.2 Smt.Meenakshi Bhanodiya as being the complainant thereof.

I have also verified the factum that the respondent no.2 is now living together with her husband and her in-laws i.e. the petitioner nos.1 to 4 herein.

R0 & AC  
20.08.2020

ANU MALHOTRA,

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IN THE HIGH COURT OF DELHI: NEW DELHI SH RAKESH KUMAR CHAUDHARY & ORS.  
Versus STATE (NCT OF DELHI) & ANR.

20.08.2020 CW-2 Meenakshi Bhanodiya, w/o Sh.Rakesh Kumar, age 38 years, R/oB- 265/1, Gali No.12, Bhajanpura, Delhi.

ON S.A. In view of the reconciliation arrived at between me and the petitioner no.1, I am now living with the petitioners without any problems for the last one year and I want to continue to live with the petitioner no.1 and his family.

In view thereof, I do not oppose the prayer made by the petitioners seeking the quashing of the FIR No.189/2018, PS Karawal Nagar registered under Sections 498A/406/34 of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act nor do I want the petitioners to be punished in relation thereto.

I am a TGT in SST and I do a job on contractual basis as a teacher. I have made my statement after understanding the implications thereof voluntarily of my own accord without any duress, coercion

or pressure from any quarter and I do not want to think again.

RO & AC  
20.08.2020

ANU MALHOTRA, J

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