

Sh Puneet Munjal & Ors vs The State Govt. Of Nct Of Delhi And Anr on 1 December, 2023

Author: Jyoti Singh

Bench: Jyoti Singh

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 8779/2023

SH PUNEET MUNJAL & ORS.

Through: Mr. Sarvesh Kumar,
with Petitioners in person.

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THE STATE GOVT. OF NCT OF DELHI AND ANR.

Through: Mr. Digam Singh Da
State with ASI Bijender, P.
Mr. S. Bharti, Advocate for
person.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

OR

% 01.12.2023 CRL.M.A. No.32757/2023 (exemption)

1. Allowed, subject to all just exceptions.

2. Application stands disposed of.

3. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 247/2016 dated 01.07.2016 under Sections 498A/406/34 IPC registered at PS: Rani Bagh, Delhi including proceedings emanating therefrom.

4. It is averred in the petition that marriage between Petitioner No. 1 and Respondent No. 2 was solemnized on 06.07.2014 according to Hindu rites and ceremonies. No child was born from the said wedlock. On account of This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 08/12/2023 at 20:40:17 disputes and differences arising between Petitioner No. 1 and Respondent No. 2, they have been living separately since 17.04.2015. Respondent No. 2 made a complaint against the Petitioners leading to the lodging of the present FIR. Respondent No.2 also filed a maintenance petition under

Section 125 Cr.P.C. bearing Mt. No.478/2018 against Petitioner No.1 and also filed a complaint case vide CC No.5814/2019 under Section 12 of Protection of Women from Domestic Violence Act, 2005 ('D.V. Act'). Petitioner No.1 filed an appeal under Section 29 of D.V. Act against the order dated 14.03.2022 passed in CC No.5814/2019.

5. It is further stated that parties have during the pendency of the litigation amicably resolved all their disputes and a MOU/Compromise Deed was executed on 31.08.2022, copy of which has been placed on record. It was agreed that Petitioner No. 1 and Respondent No. 2 shall take divorce by mutual consent and Respondent No. 2 shall cooperate in quashing of the present FIR. It was further agreed that settlement amount of Rs.2,00,000/- will be paid by Petitioner No. 1 to Respondent No. 2 in three instalments out of which the first instalment of Rs.50,000/- was to be paid at the time of recording of statement during the first motion under Section 13B(1) of the Hindu Marriage Act, 1955 and the second instalment of the same amount was to be paid at the time of recording during statement in the second motion under Section 13B(2) of the Hindu Marriage Act, 1955. Balance amount of Rs.1,00,000/- was payable to Respondent No.2 at the time of quashing of the FIR. Marriage between the parties is stated to have been dissolved by mutual consent by a Decree of Divorce dated 11.04.2023 and certified copy of the judgment and decree sheet is annexed with the petition.

6. Issue notice.

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7. Learned APP accepts notice on behalf of the State.

8. Mr. S. Bharti, learned counsel accepts notice on behalf of Respondent No.2.

9. Petitioners and Respondent No. 2 are present in Court and are identified by their respective counsels and the Investigating Officer ASI Bijender, PS: Rani Bagh. Respondent No.2 acknowledges having received the balance amount of Rs.1,00,000/- today by way of a Demand Draft bearing No.150492 dated 29.11.2023 drawn on IndusInd Bank, Sector-9, Rohini. Copy of the Demand Draft is handed over in Court and is taken on record. Respondent No. 2 submits that she has no objection to the FIR being quashed as the marriage between her and Petitioner No. 1 stands dissolved and all other disputes have been amicably settled. Learned APP also has no objection to the quashing of the FIR, in view of the settlement between the parties.

10. The Supreme Court in Gian Singh v. State of Punjab and Another, (2012) 10 SCC 303, observed that while exercising inherent powers under Section 482 Cr.P.C. in respect of quashing of an FIR where parties have entered into amicable resolution of the disputes, one of the considerations would be whether it would be unfair or contrary to the interest of justice to continue the criminal proceedings despite the compromise and if the answer to the question is in the affirmative, the High

Court would be well within its jurisdiction to quash the criminal proceedings, in order to ensure that the disputes are put to an end and peace is restored as securing the ends of justice is the ultimate guiding factor. This was of-course with a caveat that heinous and serious offences of mental depravity or offences like murder, This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 08/12/2023 at 20:40:17 dacoity etc. cannot be fittingly quashed even though the victim or the victim's family settles the disputes with the offender. Relevant paragraphs of the judgment are as follows:-

"58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. 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.

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61. The position that emerges from the above discussion can be summarised thus : the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code.

Inherent power is of wide plenitude with no statutory limitation but it has to be exercised This is a digitally signed order.

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11. The Supreme Court has consistently reaffirmed this view and in the context of matrimonial disputes, it would be relevant to refer to the observations of the Supreme Court in Jitendra Raghuvanshi and Others v. Babita Raghuvanshi and Another, (2013) 4 SCC 58, relevant paragraphs of This is a digitally signed order.

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"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. We also make it clear that exercise of such power would depend upon the facts and circumstances of each case and it has to be exercised in appropriate cases in order to do real and substantial justice for the administration of which alone the courts exist. It is the duty of the courts to encourage genuine settlements of matrimonial disputes and Section 482 of the Code enables the High Court and Article 142 of the Constitution enables this Court to pass such orders."

12. Parties have mutually settled all their disputes. Marriage between Petitioner No.1 and Respondent No.2 stands dissolved and all other cases have been disposed of. Settlement amount has been paid to Respondent No. 2. In view of the settlement between the parties and the categorical stand of Respondent No.2 that she does not want to pursue the complaint, no useful purpose will be achieved in continuing the criminal proceedings emanating from the subject FIR as the chances of conviction are bleak and it would be in the interest of justice that the proceedings are terminated and This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 08/12/2023 at 20:40:18 peace and harmony established between the parties, continues. This Court is fortified in its view by the judgments of this Court in *Ali Varis v. State NCT of Delhi and Another*, 2023 SCC OnLine Del 5054 and *Ankit Ahuja and Others v. State and Another*, 2023 SCC OnLine Del 2787.

13. Accordingly, FIR No. 247/2016 dated 01.07.2016 under Sections 498A/406/34 IPC registered at PS: Rani Bagh, Delhi is quashed including all proceedings emanating therefrom, subject, however, to the Petitioners depositing a sum of Rs.30,000/- in favour of D.H.C.B.A. Employees Welfare Fund, A/C No. 15530100010657, UCO Bank, Branch-Delhi High Court, IFSC Code-UCBA0001553 within four weeks from today, proof whereof shall be filed with the Registry within one week thereafter. In case of non-compliance, petition will be listed before Court.

14. Petition stands allowed and disposed of.

JYOTI SINGH, J DECEMBER 01, 2023/kks/shivam This is a digitally signed order.

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