

# Virender Singh vs The State(Govt Of Nct Of Delhi) & Anr on 2 August, 2022

**Author: Anu Malhotra**

**Bench: Anu Malhotra**

\$-8

\*

+

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(CRL) 866/2022, CRL.M.A. 7356/2022, CRL.M.A. 14045/2022

VIRENDER SINGH

Through: .....  
Petitioner in person with  
Bhatti, Advocate.

versus

THE STATE(GOVT OF NCT OF DELHI) & ANR. ... Respondent

Through: Mr. Sanjeev Bhandari, ASC  
with ASI Shree Pal Singh,  
Station Geeta Colony.  
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA  
ORDER

% 02.08.2022 CRL.M.A. 7356/2022 (Ex.) Exemption allowed subject to all just exceptions. The application stands disposed of.

This is an application filed on behalf of the applicant/petitioner seeking permission to bring on record the amended memo of parties submitting to the effect that the petition was initially instituted by the petitioner no.1 and amended memo of parties has subsequently been filed on behalf of the petitioner nos. 1 to 3 seeking the quashing of the FIR in question.

The Investigating Officer of the case has stated that there are three Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:04.08.2022 14:19:46 This file is digitally signed by PS to HMJ ANU MALHOTRA.

accused arrayed in the FIR and as he identifies the petitioners i.e. petitioner nos. 1 to 3 as per the amended memo of parties and thus, the application filed on behalf of the petitioners i.e. CRL.M.A. 14045/2022 is allowed and the amended memo of parties is allowed to be taken on record.

CRL.M.A. 14045/2022 is disposed of accordingly. W.P.(CRL) 866/2022 The petitioners, vide the present petition seek the quashing of the FIR No.425/2019, Police Station Geeta Colony under Sections 498A/406/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties to the petition in view of a settlement arrived at on 17.08.2020 at the Counselling Cell, Family Court, East District, KKD Courts, Delhi, pursuant to which all claims of the respondent no.2 stand settled by payment of Rs.5 Lakhs by the petitioners and that the

marriage between the petitioner no.1 and the respondent no.2 has also since been dissolved vide a decree of divorce through mutual consent under Section 13B(2) of the HMA, 1955 in HMA No.1158/2020 vide a decree dated 08.02.2021 of the Court of the learned Principal Judge, Family Court, East District, KKD, Delhi and no useful purpose would be served by the continuation of the proceedings in relation to the FIR in question.

The Investigating Officer of the case is present and has identified the petitioner nos. 1 to 3 i.e. petitioner no.1 Virender Singh, petitioner no.2 Jasvinder Singh and petitioner no.3 Rajinder Kaur present today in Court as being the three accused arrayed in the FIR No.425/2019, Police Station Geeta Colony under Sections 498A/406/34 of the Indian Penal Code, 1860 and has also identified the respondent no.2 Ms. Kiranjeet present today in Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:04.08.2022 14:19:46 This file is digitally signed by PS to HMJ ANU MALHOTRA.

Court as being the complainant thereof.

The respondent no.2 in her deposition on oath in replies to specific Court queries affirms having signed her affidavit dated 31.03.2022 as her non-opposition to the prayer made by the petitioners seeking the quashing of the FIR No.425/2019, Police Station Geeta Colony under Sections 498A/406/34 of the Indian Penal Code, 1860 as well as the mediation settlement dated 17.08.2020 arrived at the Counselling Cell, Family Court, East District, KKD Courts, Delhi between her and the petitioner no.1, qua which she states that she has signed both these documents voluntarily of her own accord without any duress, coercion or pressure from any quarter. She also affirms the factum of dissolution of her marriage with the petitioner no.1 vide a decree of divorce through mutual consent aforementioned and states that there is no child born of the wedlock between her and the petitioner no.1. The respondent no.2 also affirms the factum of receipt of the total settled sum of Rs.5 Lakhs from the petitioners in terms of the settlement arrived at between her and the petitioner no.1 and states that there are now no claims of hers left against the petitioners and she thus, does not oppose the prayer made by the petitioner nos. 1 to 3 seeking the quashing of the FIR No.425/2019, Police Station Geeta Colony under Sections 498A/406/34 of the Indian Penal Code, 1860 nor does she want them 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 settlement arrived at between the parties and the deposition of the respondent no.2.

Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:04.08.2022 14:19:46 This file is digitally signed by PS to HMJ ANU MALHOTRA.

In view of the settlement arrived at between the parties and as there appears no reason to disbelieve the statement made by the respondent no.2 that she has arrived at a settlement with the petitioner voluntarily of her own accord without any duress, coercion or pressure from any quarter she being well educated having done her post-graduation in Library Science, in as much as, the FIR has apparently emanated from a matrimonial discord between the petitioner no.1 and the respondent

no.2 which has since been resolved by the dissolution of their marriage vide a decree of divorce through mutual consent, 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 Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:04.08.2022 14:19:46 This file is digitally signed by PS to HMJ ANU MALHOTRA.

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 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 Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:04.08.2022 14:19:46 This file is digitally signed by PS to HMJ ANU MALHOTRA.

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 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. 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 Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:04.08.2022 14:19:46 This file is digitally signed by PS to HMJ ANU MALHOTRA.

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, FIR No.425/2019, Police Station Geeta Colony under Sections 498A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner nos. 1 to 3 i.e. petitioner no.1 Virender Singh, petitioner no.2

Jasvinder Singh and petitioner no.3 Rajinder Kaur are thus quashed.

The petition is disposed of accordingly.

ANU MALHOTRA, J AUGUST 2, 2022 nc Signature Not Verified Digitally Signed By:SUMIT GHAI  
Signing Date:04.08.2022 14:19:46 This file is digitally signed by PS to HMJ ANU MALHOTRA.

IN THE HIGH COURT OF DELHI: NEW DELHI ITEM No.8 W.P.(CRL) 866/2022 VIRENDER SINGH & ORS. versus THE STATE (GOVT OF NCT OF DELHI) & ANR.

02.08.2022 CW-1 ASI Shree Pal Singh, Police Station Geeta Colony. ON S.A. I am the Investigating Officer of FIR No.425/2019, Police Station Geeta Colony under Sections 498A/406/34 of the Indian Penal Code, 1860. There are three accused arrayed in the aforesaid FIR.

I identify the petitioner nos. 1 to 3 i.e. petitioner no.1 Virender Singh, petitioner no.2 Jasvinder Singh and petitioner no.3 Rajinder Kaur present today in Court as being the three accused arrayed in the FIR and I also identify the respondent no.2 Ms. Kiranjeet present today in Court as being the complainant thereof.

RO & AC  
02.08.2022

ANU MALHOTRA, J

Signature  
Not Verified  
Digitally Signed  
By:SUMIT GHAI  
Signing  
Date:04.08.2022  
14:19:46  
This file is  
digitally signed by  
PS to HMJ ANU  
MALHOTRA.

IN THE HIGH COURT OF DELHI: NEW DELHI ITEM No.8 W.P.(CRL) 866/2022 VIRENDER SINGH & ORS. versus THE STATE(GOVT OF NCT OF DELHI) & ANR.

02.08.2022 CW-2 Ms. Kiranjeet Kaur, D/o Sh. Surjeet Singh, aged 43 years, R/o 12/33, Geeta Colony, New Delhi.

ON S.A. My affidavit dated 31.03.2022 as my no objection to the prayer made by the petitioners seeking the quashing of the FIR No.425/2019, Police Station Geeta Colony under Sections 498A/406/34 of the Indian Penal Code, 1860 as well as the mediation settlement dated 17.08.2020 arrived at the Counselling Cell, Family Court, East District, KKD Courts, Delhi between me and the

petitioner no.1 bear my signatures thereon, which I have signed voluntarily of my own accord without any duress, coercion or pressure from any quarter.

In terms of the settlement arrived at between me and the petitioner no.1, a total sum of Rs.5 Lakhs had been agreed to be paid to me, of which a sum of Rs.4 Lakhs has been received by me previously during the course of the proceedings under Section 13B(1) and 13B(2) of the HMA and the balance sum of Rs. 1 Lakh has now been handed over to me vide a demand draft bearing No.002835 dated 01.08.2022 drawn on the HDFC Bank in my favour. There are now no claims of mine left against the petitioners.

The marriage between me and the petitioner no.1 has since been dissolved vide a decree of divorce through mutual consent under Section 13B(2) of the HMA, 1955 in HMA No.1158/2020 vide a decree dated Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:04.08.2022 14:19:46 This file is digitally signed by PS to HMJ ANU MALHOTRA.

08.02.2021 of the Court of the learned Principal Judge, Family Court, East District, KKD, Delhi. There is no child born of the wedlock between me and the petitioner no.1. In view of the settlement arrived at between me and the petitioners, I do not oppose the prayer made by the petitioners seeking the quashing of the FIR No.425/2019, Police Station Geeta Colony under Sections 498A/406/34 of the Indian Penal Code, 1860 nor do I want them to be punished in relation thereto.

I am a post graduate in Library Science. 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 need to think again.

RO & AC  
02.08.2022

ANU MALHOTRA, J

Signature  
Not Verified  
Digitally Signed  
By:SUMIT GHAI  
Signing  
Date:04.08.2022  
14:19:46  
This file is  
digitally signed by  
PS to HMJ ANU  
MALHOTRA.