

# **Jitender @ Beenu Kumar & Ors vs State Govt. Of Nct Of Delhi & Anr on 5 January, 2022**

**Author: Anu Malhotra**

**Bench: Anu Malhotra**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ CRL.M.C. 36/2022

JITENDER @ BEENU KUMAR & ORS.

..... Petitioners

Through: Ms.Ashu Chaudhary, Advocate with  
petitioners in person.

versus

STATE GOVT. OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr.Izhar Ahmed, APP for State with  
SI Ankur PS Nand Nagri  
Respondent no.2 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA  
ORDER

% 05.01.2022 (Through Video Conferencing) Exemption allowed, subject to just exceptions.

The petitioners no. 1 to 3 namely Jitender @ Beenu Kumar, Laxmi Devi, Bijender Singh seek the quashing of the FIR No. 272/2018 Police Station Nand Nagri under Sections 498A/406/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has since been arrived at between the petitioners and the respondent no.2 vide a settlement at the Counselling Cell, Karkardooma Court, dated 5.3.2021 and that pursuant thereto a total sum of Rs.1,85,000/- which had been agreed to be paid by the petitioners to the respondent No.2 has since been paid and that no useful purpose would be served by the continuation of the proceedings qua the FIR Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:06.01.2022 14:46:25 This file is digitally signed by PS to HMJ ANU MALHOTRA.

in question.

The submissions made through the petition and the deposition of the respondent No.2 bring forth that the marriage between the petitioner No.1 and the respondent No.2 has already been dissolved vide a decree of divorce dated 30.4.2019 of the Court of the Principal Judge, Family Court, Ghaziabad in Case No. 651/2017. The divorce petition that had been filed by the respondent No.2 bearing HMA No. 465/2020 in the Court of the Principal Judge, Family Courts, Shahdara has also been withdrawn on 22.11.2021.

The respondent No.2 has testified to the receipt of the sum of Rs.1,85,000/- from the petitioners and submits that in view of the settlement that has been arrived at between her and the petitioners which settlement she states has been arrived at voluntarily of her own accord without any duress pressure or coercion from any quarter, she does not oppose the prayer made by the petitioners No. 1 to 3 seeking quashing of the FIR No. 272/2018 Police Station Nand Nagri under Sections 498A/406/34 of the Indian Penal Code, 1860 nor does she want the petitioners No. 1 to 3 to be punished in relation thereto.

The deputed Investigating Officer of the case is present and has identified the petitioner Nos. 1 to 3 as being the three accused arrayed in the FIR in question and the respondent No.2 as being the complainant thereof.

On behalf of the State, the learned APP for the State does not oppose the prayer made by the petitioners seeking the quashing of the FIR in question in view of the settlement arrived at between the parties.

In view of the deposition of the respondent No.2, the non-opposition on behalf of the State, the identification of the parties to the petition by the Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:06.01.2022 14:46:25 This file is digitally signed by PS to HMJ ANU MALHOTRA.

deputed Investigating Officer, and taking into account that there appears no reason to disbelieve the statement of the respondent No.2 that she has arrived at a settlement with the petitioners voluntarily of her own accord without any duress pressure or coercion from any quarter and all claims stand settled with also petitioner no.1 and respondent No.2 having since been divorced, the FIR in the instant case having been lodged pursuant to a matrimonial dispute apparently which stands resolved with the dissolution of the marriage between the petitioner No.1 and the respondent No.2 as aforementioned vide the decree dated 30.4.2019 it is considered appropriate to put a quietus to the litigation between the parties qua the FIR in question for the maintenance of peace and harmony between them in view of the observations in the verdict 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 Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:06.01.2022 14:46:25 This file is digitally signed by PS to HMJ ANU MALHOTRA.

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 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 Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:06.01.2022 14:46:25 This file is digitally signed by PS to HMJ ANU MALHOTRA.

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), FIR No. 272/2018 Police Station Nand Nagri under Sections 498A/406/34 of the Indian Penal Code, 1860, and all consequential proceedings emanating therefrom against the petitioner Nos. 1 to 3 namely Jitender @ Beenu Kumar, Laxmi Devi, Bijender Singh are thus quashed.

The petition is disposed of.

ANU MALHOTRA, J JANUARY 5, 2022/sv Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:06.01.2022 14:46:25 This file is digitally signed by PS to HMJ ANU MALHOTRA.

IN THE HIGH COURT OF DELHI, NEW DELHI JITENDER @ BEENU KUMAR & ORS. V STATE GOVT. OF NCT OF DELHI & ANR.

CW-1 SI ANKUR SINGH Police Station NAND NAGRI ON S.A. I am the deputed Investigating Officer in relation to case FIR No. 272/2018 Police Station Nand Nagri under Sections 498A/406/34 of the Indian Penal Code, 1860. I identify the petitioners No. 1 to 3 namely Jitender @ Beenu Kumar, Laxmi Devi, Bijender Singh as being the three accused present in the Court today through Video Conferencing arrayed in FIR No. 272/2018 Police Station Nand Nagri under Sections 498A/406/34 of the Indian Penal Code, 1860. I also identify the respondent No.2 present in the Court today through Video Conferencing as being the complainant of the FIR in question.

ANU MALHOTRA, J RO & AC 05.01.2022 Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:06.01.2022 14:46:25 This file is digitally signed by PS to HMJ ANU MALHOTRA.

IN THE HIGH COURT OF DELHI, NEW DELHI JITENDER @ BEENU KUMAR & ORS. V STATE GOVT. OF NCT OF DELHI & ANR.

CW-2 SUNITA D/O SH. FATEH CHAND R/O H. No.E-3/139 NAND NAGARI DELHI, AGED 27 YEARS ON S.A. My affidavit dated 23.9.2021 bears my signatures thereon and likewise the settlement deed dated 5.3.2021 arrived at the Family Court at Karkardooma Court at the Counselling Cell bears my signatures thereon which I have signed voluntarily of my own accord without any duress pressure or coercion from any quarter. In terms of the said settlement I have received a total sum of Rs.1,85,000/- from the petitioners. The marriage between me and the petitioner No.1 has since been dissolved vide a decree of divorce dated 30.4.2019 in Case No. 653/2017 of the Court of the Principal Judge, Family Courts, Ghaziabad. In view of the settlement arrived at between me and the petitioners, I have also withdrawn the case that I filed under Section 13(1)(ia)(ib) of the Hindu Marriage Act against the petitioners in HMA Case No. 465/2020 on 22.11.2021. In view of the settlement arrived at between me and the petitioners I thus do not oppose the prayer made by the petitioners seeking the quashing of the FIR No. 272/2018 Police Station Nand Nagri under Sections 498A/406/34 of the Indian Penal Code, 1860 nor do I want the petitioners to be punished in relation thereto. There is no child born of the wedlock between me and the petitioner No.1.

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I have studied till standard X and I have so stated voluntarily of my own accord without any duress pressure or coercion from any quarter. I have understood the implications of the statement made by me. I do not need to think again.

ANU MALHOTRA, J RO & AC 05.01.2022 Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:06.01.2022 14:46:25 This file is digitally signed by PS to HMJ ANU MALHOTRA.