

Amandeep Singh @ Amandeep Singh Alagh & ... vs The Government Of Nct Of Delhi & Anr on 1 August, 2022

Author: Anu Malhotra

Bench: Anu Malhotra

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IN THE HIGH COURT OF DELHI AT NEW DELHI
CRL.M.C. 3536/2022 & CRL.M.A. 14811/2022
AMANDEEP SINGH @ AMANDEEP SINGH ALAGH & ORS.

Through: Petitioners in person with
Mehla & Mr. Neeraj Garg,
Advocates.

versus

THE GOVERNMENT OF NCT OF DELHI & ANR.

Through: Mr. Tarang Srivastava, APP
with SI Gajender Singh, PS
Town.
R-2 in person with Mr. Rish
Mishra, Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA
ORDER

% 01.08.2022 CRL.M.A. 14811/2022 (Ex.) Exemption allowed subject to all just exceptions. The application stands disposed of.

The petitioners, vide the present petition seek the quashing of the FIR No.332/2019, PS Model Town 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 parties to the petition vide a Memorandum of Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:04.08.2022 14:12:35 This file is digitally signed by PS to HMJ ANU MALHOTRA.

Understanding dated 14.03.2022 and the revised Memorandum of Understanding dated 14.07.2022, pursuant to which all claims of the respondent no.2 stand settled by payment of Rs.15 Lakhs to the respondent no.2 by the petitioners, of which a sum of Rs.11 Lakhs has been received by the respondent no.2 previously and the balance sum of Rs. 4 Lakhs has now been handed over to her vide a Banker's Cheque bearing No.342659 dated 21.07.2022 drawn on the Canara Bank in her favour and that in terms of the said settlement documents dated 14.03.2022 and 14.07.2022, all her articles of jewellery have since been returned to the respondent no.2, and that the marriage between the petitioner no.1 and the respondent no.2 has since been dissolved by the dissolution of their marriage vide a decree of divorce through mutual consent under Section 13B(2) of the HMA, 1955 in HMA Petition No.1424/2022 vide a decree dated 14.07.2022 of the Court of the learned Judge,

Family Court (West), THC, Delhi and no useful purpose would be served by the continuation of the proceedings qua the FIR in question.

The Investigating Officer of the case is present and has identified the petitioner nos.1 to 5 i.e. petitioner no.1 Amandeep Singh, petitioner no.2 Harjeet Singh, petitioner no.3 Rajni Alagh, petitioner no.4 Silky and petitioner no.5 Gurjit Singh present today in Court as being the five accused arrayed in the FIR No.332/2019, PS Model Town under Sections 498A/406/34 of the Indian Penal Code, 1860 and has also identified the respondent no.2 Ms. Umanpreet Kaur as being the complainant of the said FIR.

The respondent no.2 in her deposition on oath in replies to specific Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:04.08.2022 14:12:35 This file is digitally signed by PS to HMJ ANU MALHOTRA.

Court queries has affirmed having signed her affidavit dated 14.07.2022 as her no objection to the prayer made by the petitioners seeking the quashing of the FIR No.332/2019, PS Model Town under Sections 498A/406/34 of the Indian Penal Code, 1860 as well as the Memorandum of Understanding dated 14.03.2022 and the revised Memorandum of Understanding dated 14.07.2022 between her and the petitioner no.1, qua which she states that she has signed the said documents voluntarily of her own accord without any duress, coercion or pressure from any quarter. She has further affirmed the factum of dissolution of her marriage with the petitioner no.1 vide a decree of divorce through mutual consent aforementioned and has stated that there is no child born of the wedlock between her and the petitioner no.1. The respondent no.2 has also affirmed the factum of receipt of all her articles of jewellery in terms of the Memorandum of Understanding dated 14.03.2022 and the revised Memorandum of Understanding dated 14.07.2022 between her and the petitioner no.1 apart from receipt of total settled sum of Rs.15 Lakhs from the petitioners.

She has further stated that in view of the settlement arrived at between her and the petitioner no.1, she does not oppose the prayer made by the petitioner nos. 1 to 5 seeking the quashing of the FIR No.332/2019, PS Model Town under Sections 498A/406/34 of the Indian Penal Code, 1860 nor does she want them to be punished in relation thereto. The respondent no.2 in reply to a specific Court query has further stated that she is a graduate and has understood the implications of the statement made by her and that she has arrived at a settlement with the petitioners voluntarily of her own accord without any duress, coercion or pressure from any quarter.

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On behalf of the State, the learned APP for the State also in the circumstances of case, does not oppose the prayer made by the petitioners seeking the quashing of the FIR in question.

In view of the deposition of the respondent no.2, non-opposition on behalf of the State, identification of the petitioners and the respondent no.2 by the Investigating Officer of the case and the settlement that has been arrived at between the parties, 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 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 petitioners voluntarily of her own accord without any duress, coercion or pressure from any quarter, 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)

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(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 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, Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:04.08.2022 14:12:35 This file is digitally signed by PS to HMJ ANU MALHOTRA.

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. 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 Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:04.08.2022 14:12:35 This file is digitally signed by PS to HMJ ANU MALHOTRA.

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, FIR No.332/2019, PS Model Town under Sections 498A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner nos.1 to 5 i.e. petitioner no.1 Amandeep Singh, petitioner no.2 Harjeet Singh, petitioner no.3 Rajni Alagh, petitioner no.4 Silky and petitioner no.5 Gurjit Singh are thus quashed.

The petition is disposed of accordingly.

ANU MALHOTRA, J AUGUST 1, 2022 nc Signature Not Verified Digitally Signed By:SUMIT GHAI
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IN THE HIGH COURT OF DELHI: NEW DELHI ITEM No.51 AMANDEEP SINGH @ AMANDEEP
SINGH ALAGH & ORS. versus THE GOVERNMENT OF NCT OF DELHI & ANR.

01.08.2022 CW-1 SI Gajender Singh, PS Model Town. ON S.A. I am the Investigating Officer of FIR
No.332/2019, PS Model Town under Sections 498A/406/34 of the Indian Penal Code, 1860.

I identify the petitioner nos.1 to 5 i.e. petitioner no.1 Amandeep Singh, petitioner no.2 Harjeet
Singh, petitioner no.3 Rajni Alagh, petitioner no.4 Silky and petitioner no.5 Gurjit Singh present
today in Court as being the five accused arrayed in the aforesaid FIR and I also identify the
respondent no.2 Ms. Umanpreet Kaur as being the complainant of the said FIR.

RO & AC
01.08.2022

ANU MALHOTRA, J

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IN THE HIGH COURT OF DELHI: NEW DELHI ITEM No.51 AMANDEEP SINGH @ AMANDEEP
SINGH ALAGH & ORS. versus THE GOVERNMENT OF NCT OF DELHI & ANR.

01.08.2022 CW-2 Ms. Umanpreet Kaur, D/o Sh. Amarjeet Singh, aged 28 years, R/o 7/16A, Double
Storey, Vijay Nagar, New Delhi-110009.

ON S.A. My affidavit dated 14.07.2022 as my no objection to the prayer made by the petitioners
seeking the quashing of the FIR No.332/2019, PS Model Town under Sections 498A/406/34 of the
Indian Penal Code, 1860 as well as the Memorandum of Understanding dated 14.03.2022 and the
revised Memorandum of Understanding dated 14.07.2022 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 petitioners, a total sum of Rs.15 Lakhs had been agreed to be paid to me, of which a sum of Rs.11 Lakhs has been received by me previously and the balance sum of Rs. 4 Lakhs has now been handed over to me vide a Banker's Cheque bearing No.342659 dated 21.07.2022 drawn on the Canara Bank in my favour and in terms of the settlement documents dated 14.03.2022 and 14.07.2022, I have received all my articles of jewellery as well. There are now no claims of mine left against the petitioners.

The marriage between me and the petitioner no.1 has since been Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:04.08.2022 14:12:35 This file is digitally signed by PS to HMJ ANU MALHOTRA.

dissolved vide a decree of divorce through mutual consent under Section 13B(2) of the HMA, 1955 in HMA Petition No.1424/2022 vide a decree dated 14.07.2022 of the Court of the learned Judge, Family Court (West), THC, 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.332/2019, PS Model Town 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 graduate.

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
01.08.2022

ANU MALHOTRA, J

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