

Suraj Dev Singh & Ors vs The State Nct Of Delhi & Anr on 8 January, 2021

Author: Anu Malhotra

Bench: Anu Malhotra

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P. (CRL) 1897/2020
SURAJ DEV SINGH & ORS.

..... Appli

Through: Petitioners in person with Ms.San
Mishra, Advocate.

Versus

THE STATE NCT OF DELHI & ANR.

.....Respo

Through: Mr.Chaitanya Gosain, Advocate for
Mr.Rahul Mehra, SSC with SI Bahad
Singh, PS Ranhola.
R-2 in person.

HON'BLE MS. JUSTICE ANU MALHOTRA
ORDER

% 08.01.2021 (hearing through Video Conferencing) The petitioners, vide the present petition seek the quashing of the FIR No.642/2016, PS Ranhola registered 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 and that pursuant thereto all claims between the parties have been settled; that the marriage between the petitioner no.1 and the respondent no.2 has since been dissolved vide a decree of divorce through mutual consent, no useful purpose would be served by the continuation of the proceedings in relation to the present FIR.

The Investigating Officer, SI Bahadur Singh, PS Ranhola present Signature through Video Conferencing and has identified the petitioner nos. 1 to 5 Not Verified Digitally Signed By:SUMIT GHAI i.e. the petitioner no.1 Sh.Suraj Dev Singh, petitioner no.2 Smt.Lakshmi Signing Date:08.01.2021 21:27:36 This file is digitally signed by PS to HMJ ANU MALHOTRA.

Devi, petitioner no.3 Sh.Rajinder Singh, petitioner no.4 Sh.Amar Dev Singh and petitioner no.5 Ms.Sita present today through Video Conferencing as being the five accused persons arrayed in the FIR No.642/2016, PS Ranhola registered under Sections 498A/406/34 of the Indian Penal Code, 1860 and has also identified the respondent no.2 Ms.Sunita as being the complainant thereof.

The respondent no.2 in her deposition on oath has affirmed the factum of the settlement arrived at between her and the petitioners and has testified to the effect that pursuant thereto, she has received the total settled sum of Rs.3,00,000/- from the petitioners and also affirmed the factum of dissolution of marriage between her and the petitioner no.1 vide a decree of divorce through mutual consent under Section 13B(2) of the HMA, 1955 in HMA Petition No.451/2019 vide a decree dated 22.02.2019 of the Court of the learned Principal Judge, Family Courts, South-West, District Dwarka, Delhi. She has further testified to the effect that there are now no claims of hers left against the petitioners and has further testified to the effect that there is no child born of the wedlock between her and the petitioner no.1. She has further stated that in terms of the settlement arrived at between her and the petitioners, she does not oppose the prayer made by the petitioners seeking the quashing of the FIR No.642/2016, PS Ranhola registered under Sections 498A/406/34 of the Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom nor does she want the petitioners to be punished in relation thereto.

In reply to a specific Court query, the respondent no.2 has further stated that she has studied till Standard VIII and that she has made her statement after understanding the implications thereof voluntarily of her Signature own accord without any duress, coercion or pressure from any quarter Not Verified Digitally Signed By:SUMIT GHAI and that she does not need to think again. Signing Date:08.01.2021 21:27:36 This file is digitally signed by PS to HMJ ANU MALHOTRA.

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 made by the respondent no.2.

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 petitioners voluntarily of her own accord without any duress, coercion or pressure from any quarter, 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 Signature overwhelmingly and pre-dominantly civil character, Not Verified particularly those arising out of commercial transactions Digitally Signed By:SUMIT GHAI Signing or arising out of matrimonial relationship or family Date:08.01.2021 21:27:36 This file is digitally signed by PS to HMJ ANU MALHOTRA.

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, 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 Signature shall be defeated. The above list is illustrative and not Not Verified Digitally Signed By:SUMIT GHAI exhaustive. Each case will depend on its own facts and no Signing Date:08.01.2021 21:27:36 This file is digitally signed by PS to HMJ ANU MALHOTRA.

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 be an abuse of process of court or that the ends of justice require that the proceedings ought to be quashed...."

Signature Not Verified Digitally Signed (emphasis supplied), By:SUMIT GHAI Signing Date:08.01.2021 21:27:36 This file is digitally signed by PS to HMJ ANU MALHOTRA.

In view thereof, FIR No.642/2016, PS Ranhola registered 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. the petitioner no.1 Sh.Suraj Dev Singh, petitioner no.2 Smt.Lakshmi Devi, petitioner no.3 Sh.Rajinder Singh, petitioner no.4 Sh.Amar Dev Singh and petitioner no.5 Ms.Sita are thus quashed.

The petition is disposed of accordingly.

ANU MALHOTRA, J JANUARY 08, 2021 'neha chopra' Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:08.01.2021 21:27:36 This file is digitally signed by PS to HMJ ANU MALHOTRA.

IN THE HIGH COURT OF DELHI: NEW DELHI W.P.(CRL) 1897/2020 SURAJ DEV SINGH & ORS. Versus THE STATE NCT OF DELHI & ANR.

08.01.2021 CW-1 SI Bahadur Singh, PS Ranhola.

ON S.A. I identify the petitioner nos. 1 to 5 i.e. the petitioner no.1 Sh.Suraj Dev Singh, petitioner no.2 Smt.Lakshmi Devi, petitioner no.3 Sh.Rajinder Singh, petitioner no.4 Sh.Amar Dev Singh and petitioner no.5 Ms.Sita present today through Video Conferencing as being the five accused persons

arrayed in the FIR No.642/2016, PS Ranhola registered under Sections 498A/406/34 of the Indian Penal Code, 1860 and I also identify the respondent no.2 Ms.Sunita as being the complainant thereof.

RO & AC
08.01.2021

ANU MALHOTRA, J

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IN THE HIGH COURT OF DELHI: NEW DELHI W.P.(CRL) 1897/2020 SURAJ DEV SINGH & ORS. Versus THE STATE NCT OF DELHI & ANR.

CW-2 Ms.Sunita, d/o Sh. Ved Prakash, aged 30 years, r/o H.No.51, Tilangpur, Kotla, Delhi.

ON S.A. In view of the settlement arrived at between me and 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 Petition No.451/2019 vide a decree dated 22.02.2019 of the Court of the learned Principal Judge, Family Courts, South-West, District Dwarka, Delhi. There is no child born of the wedlock between me and the petitioner no.1.

In terms of the settlement arrived at between me and the petitioners, I have received the total settled sum of Rs.3,00,000/- from the petitioners. There are now no claims of mine left against the petitioners. 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.642/2016, PS Ranhola registered under Sections 498A/406/34 of the Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom nor do I want the petitioners to be punished in relation thereto.

I have studied till Standard VIII.

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.

Signature
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Not Verified & AC

ANU MALHOTRA, J

Digitally Signed

By:SUMIT GHAI

08.01.2021

Signing

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