

# Maninder Singh And Anr & Ors vs The State And Anr & Anr on 30 September, 2021

**Author: Anu Malhotra**

**Bench: Anu Malhotra**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ CRL.M.C. 2372/2021

MANINDER SINGH AND ANR & ORS.

..... Petition

Through: Mr.Sameer Diwan and Mr.Ravinder  
Vasudev, Advocates with petition  
in person (through VC)

versus

THE STATE AND ANR & ANR.

..... Respond

Through: Mr.Mukesh Kumar, APP for State  
With SI Rajender Prasad, Police  
Station Tilak Nagar  
Mr.\_\_\_\_, Advocate (through VC)  
(appearance not given.) for R-2  
respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA  
ORDER

% 30.09.2021 (Through Physical Hearing) Exemption allowed, subject to just exceptions. Crl.M.C. No. 2372/2021 and Crl.M.A. No.15689/2021 Vide the present petition, the petitioners seek the quashing of the FIR No. 479/2019, Police Station Tilak Nagar registered 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 vide a Memorandum of Understanding dated 1.3.2020 and pursuant thereto all claims of the respondent no.2 stand settled and the total settled sum of Rs.6,00,000/- has since been paid to her and 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 under Section 13 B (2) of the Hindu Marriage Act, Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:30.09.2021 18:19:18 This file is digitally signed by PS to HMJ ANU MALHOTRA.

1955 vide decree dated 4.12.2020 in HMA HMA No. 1027/2020 of the Court of the Principal Judge, Family Courts, West, Tis Hazari Courts, Delhi and that no useful purpose would be served by the continuation of the proceedings qua the said FIR.

The Investigating Officer of the case is present and has identified petitioners No. 1 to 5, namely Maninder Singh, SD Teja Singh, Smt. Jatinder Kaur, SD Gurdeep Singh and Ms.Baljeet Kaur @ Balwant Kaur, present in the Court today through video conferencing, as being the five accused arrayed in the FIR in question and further submitted that petitioner Nos. 1 to 3 were arrayed in

column No.11 and the petitioner Nos. 4 &5 were arrayed in column No.12 of the chargesheet. The Investigating Officer also identified the respondent no.2 Simran Kaur, present in the Court today through video conferencing, as being the complainant of the said FIR.

The respondent No.2 in her deposition on oath in reply to specific Court queries affirms her signatures on the Memorandum of Understanding dated 1.3.2020 which she states that she has signed voluntarily of her own accord without any duress, pressure or coercion from any quarter and further affirmed that pursuant to the said settlement arrived at between her and the petitioner No.1, the total settled sum of Rs.6,00,000/- has since been received by her and that there are now no claims of hers left against the petitioners. She further stated that there is no child born of the wedlock between her and the petitioner No.1. The respondent No.2 further affirms the factum that the marriage between her and the petitioner No.1 has since been dissolved vide a decree of divorce through mutual consent under Section 13 B(2) of the Hindu Marriage Act, 1955, dated 4.12.2020 in HMA No. 1027/2020 of the Court of the Principal Judge, Family Courts, West, Tis Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:30.09.2021 18:19:18 This file is digitally signed by PS to HMJ ANU MALHOTRA.

Hazari Courts, Delhi and that in view 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. 479/2019, Police Station Tilak Nagar registered under Sections 498A/406/34 of the Indian Penal Code, 1860, nor does she want the petitioners to be punished in relation thereto. She further stated that she is a graduate and take tuitions and has understood the implications of the statement made by her and does not want to think again. She further stated that she has made her statement voluntarily of her own accord without any duress, pressure or coercion from any quarter.

On behalf of the State, there is no opposition to the prayer made by the petitioners seeking quashing of the FIR in question in view of the settlement arrived at between the parties and in view of the statement made by the respondent No.2.

In view thereof, as the FIR in question has apparently emanated from a matrimonial discord which has since been resolved vide the dissolution of marriage between the petitioner No.1 and the respondent no.2 and as all claims of the respondent no.2 stand settled, it is considered appropriate to put a quietus to the litigation between the parties qua the FIR in question and 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 Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:30.09.2021 18:19:18 This file is digitally signed by PS to HMJ ANU MALHOTRA.

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."

[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 Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:30.09.2021 18:19:18 This file is digitally signed by PS to HMJ ANU MALHOTRA.

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...."

(emphasis supplied), FIR No. 479/2019, Police Station Tilak Nagar registered under Sections 498A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom are thus quashed against the petitioners No. 1 to 5, namely Maninder Singh, SD Teja Singh, Smt. Jatinder Kaur, SD Gurdeep Singh and Ms. Baljeet Kaur @ Balwant Kaur, The petition is disposed of.

ANU MALHOTRA, J SEPTEMBER 30, 2021/SV Signature Not Verified Digitally Signed By: SUMIT GHAI Signing Date: 30.09.2021 18:19:18 This file is digitally signed by PS to HMJ ANU MALHOTRA.

IN THE HIGH COURT OF DELHI AT NEW DELHI MANINDER SINGH & ORS . THE STATE & ANR 30.09.2021 CW-1 SI Rajender Prasad Police Station Tilak Nagar I am the Investigating Officer of FIR No. 479/2019, Police Station Tilak Nagar registered under Sections 498A/406/34 of the Indian Penal Code, 1860 I identify the petitioners No. 1 to 5, namely Maninder Singh, SD Teja Singh, Smt. Jatinder Kaur, SD Gurdeep Singh and Ms. Baljeet Kaur @ Balwant Kaur, present in the Court today through video conferencing, as being the five accused arrayed in the FIR No. 479/2019, Police Station Tilak Nagar registered under Sections 498A/406/34 of the Indian Penal Code, 1860 of whom petitioner Nos. 1 to 3 were put in Column No.11 and the petitioner Nos. 4 & 5 were put in column No.12 of the chargesheet.

I also identify the respondent no.2 Simran Kaur, present in the Court today through video conferencing, as being the complainant of the said FIR.

ANU MALHOTRA, J RO & AC 30.09.2021 Signature Not Verified Digitally Signed By: SUMIT GHAI Signing Date: 30.09.2021 18:19:18 This file is digitally signed by PS to HMJ ANU MALHOTRA.

IN THE HIGH COURT OF DELHI AT NEW DELHI MANINDER SINGH & ORS . THE STATE & ANR 30.09.2021 CW-2 MS. Simran Kaur, D/o Himmat Singh R/o C-88B, Tilak Nagar, New Delhi.

ON S.A. The Memorandum of Understanding dated 1.3.2020 bears my signatures thereon which I have signed voluntarily of my own accord without any duress, pressure or coercion from any quarter. Pursuant to the said settlement arrived at between me and the petitioner No.1, the total settled sum of Rs.6,00,000/- has since been received by me from the petitioners and now there are no claims of mine left against the petitioners. There is no child born of the wedlock between me and the petitioner No.1. The marriage between me and the petitioner No.1 has since been dissolved vide a decree of divorce through mutual consent under Section 13 B(2) of the Hindu Marriage Act, 1955, dated 4.12.2020 in HMA No. 1027/2020 of the Court of the Principal Judge, Family Courts, West, Tis Hazari Courts, Delhi. In view of the settlement arrived at between me and the petitioners, I do

not oppose the prayer made by the petitioners seeking quashing of the FIR No. 479/2019, Police Station Tilak Nagar registered under Sections 498A/406/34 of the Indian Penal Code, 1860, nor do I want the petitioners to be punished in relation thereto. I am a graduate and take tuitions. I have Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:30.09.2021 18:19:18 This file is digitally signed by PS to HMJ ANU MALHOTRA.

understood the implications of the statement made by me. I do not want to think again. I have made my statement voluntarily of my own accord without any duress, pressure or coercion from any quarter.

ANU MALHOTRA, J RO & AC 30.09.2021 Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:30.09.2021 18:19:18 This file is digitally signed by PS to HMJ ANU MALHOTRA.