

Sh. Sumit Koli And Others vs State And Another on 24 February, 2022

Author: Chandra Dhari Singh

Bench: Chandra Dhari Singh

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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.M.C. 3148/2021

SH. SUMIT KOLI AND OTHERS

Through: Ms. Veena Goswami,
(D/154/1980)

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versus

STATE AND ANOTHER

Through:

Mr. Raghuvinder Varma, AP
State with SI Radha Sharma
CWC/Nanak Pura.
Respondent No.2 in person

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CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH
ORDER

% 24.02.2022

1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "Cr.P.C.") has been filed by the petitioners praying for quashing of FIR bearing No. 0021/2018 registered at Police Station Crime (Women) Cell, Nanakpura, Delhi for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC").

2. In compliance of order dated 6th December 2021, petitioner no.1 and respondent no.2 have filed their affidavit dated 5th January 2022 and 18th January 2022, respectively showing the protection of interest of minor girl child Kumari Loveyaa born out of their wedlock.

3. All the petitioners are present before this Court and have been identified by their counsel Ms. Veena Goswami and the Investigating Officer SI Radha Sharma from Police Station Crime (Women) Cell, Nanakpura, Delhi. Respondent No.2 is also present in the Court and has been identified by the Investigating Officer.

4. The brief facts of the case are that the petitioner no.1 and respondent no.2 got married to each other on 29th November 2008 at Delhi according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 19th December 2009. On 3rd August 2010 a girl child was born out of their wedlock, who is in the custody of respondent

no.2.

5. Despite several efforts of reconciliation, both the parties could not settle the differences. Respondent no.2 lodged the aforesaid FIR against all the petitioners on 9th April 2018. The matter was referred to mediation and both the parties entered into settlement vide settlement dated 30th November 2019, which is annexed as Annexure- P-4 to the petition. The terms and conditions of the said settlement are mentioned in paragraphs 1 to 15 of the same.

6. Further, in pursuance of the said settlement, the parties filed joint petition for dissolution of marriage under Section 13B(2) of HMA and the marriage between petitioner No. 1 and respondent No. 2 stood dissolved by mutual consent vide order dated 25th November 2020.

7. It is submitted that respondent No. 2 has settled all her claims in respect of her dowry articles, stridhan, marriage expenses, jewellery, gift items and claims of past, present and future maintenance and permanent alimony with petitioner No. 1 and other family members for a sum of Rs. 8,50,000/- (Rupees Eight Lakhs and Fifty Thousand Only) and all disputes of any nature whatsoever, out of which Rs.5 Lakhs have already been paid while remaining Rs.3 Lakhs was agreed to be paid at the time of quashing of the FIR. Petitioner no.1 has handed over a Demand Draft bearing No. 035242 for the balance amount of Rs.3 Lakh dated 6th December 2021 in the name of respondent No.2 today in the Court. Respondent No.2 has verified the particulars of the Demand Draft to her satisfaction and stated them to be correct. It is prayed by the learned counsel appearing on behalf of the parties that the instant FIR may be quashed on the basis of the compromise as per the Judgment of the Hon'ble Supreme Court passed in Gian Singh vs. State of Punjab, (2012) 10 SCC 303.

8. Mr. Raghuvinder Varma, APP for State learned APP for the State submitted that 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.

9. Heard, learned counsel for the parties and perused the record.

10. In the present case, the complainant is present in Court and has categorically stated that she has entered into compromise and settled the entire disputes amicably with petitioner no. 1 and his family members by her own free will without any pressure or coercion. There is also no allegation from respondent no. 2 that the conduct and antecedents of petitioners have been bad towards her after the compromise. As per the settlement, the respondent No.2 has received the entire settled amount.

11. In the case of B.S. Joshi & Ors. vs. State of Haryana & Ors (2003) 4 SCC 675, the Hon'ble Supreme Court has held that if for purpose of securing the ends of justice, quashing of FIR becomes necessary, Section 320 Cr.P.C. would not be a bar to the exercise of the power of quashing under Section 482 Cr.P.C.

12. Moreover, the Hon'ble Supreme Court in Jitendra Raghuvanshi & Ors. vs. Babita Raghuvanshi & Anr. (2013) 4 SCC 58, has held that criminal proceedings on FIR or complaint can be quashed under Section 482 Cr.P.C. in appropriate cases in order to meet ends of justice. Even in non-compoundable offences pertaining to the matrimonial disputes, if Court is satisfied that parties have settled the disputes amicably and without any pressure, then for the purpose of securing ends of justice, FIRs or complaints or subsequent criminal proceedings in respect of offences can be quashed.

13. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure. In view of the settlement arrived at between the parties and the law laid down by the Hon'ble Supreme Court, the present petition is allowed. Accordingly, FIR bearing No. 0021/2018 registered at Police Station Crime (Women) Cell, Nanakpura, Delhi for offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

14. Accordingly, the petition stands disposed of.

15. Pending application, if any, also stands disposed of.

CHANDRA DHARI SINGH, J FEBRUARY 24, 2022 Aj/ct