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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 2383/2014

RAJA BERWA & ORS

..... Petitioners

Through: Mr. Saurabh Kumar Tuteja, Advocate
along with P-1

versus

STATE & ANR

..... Respondents

Through: Mr. Panna Lal Sharma, APP for State
along with SI Hawa Singh, P.S.
Mangol Puri
Mr. Bharat Singh, Advocate for R-2
along with R-2

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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12.04.2022

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. 702/2006 registered at Police Station Mangol Puri, Delhi for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC") and all consequential proceedings emanating therefrom.

2. Petitioner no. 1 is present before this Court and has been identified by their counsel Mr. Saurabh Kumar Tuteja and Investigating Officer SI Hawa Singh, Police Station Mangol Puri. Respondent No.2 is also present in the Court and has been identified by her counsel and the Investigating Officer.

3. On the query made by this Court, respondent no. 2 has categorically stated that she has entered into compromise on her own free will and without any pressure. It is also stated by respondent no.2 that the entire dispute has been amicably settled between the parties.

4. The brief facts of the case are that the petitioner no.1 and respondent no.2 got married to each other on 20th April, 2003 at Mangol Puri according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since May, 2005. There is one girl child born out of their wedlock, who is now major.

5. Despite several efforts of reconciliation, both the parties could not settle the differences. Respondent no. 2 lodged a complaint in C.A.W. Cell which culminated into the aforesaid FIR against all the petitioners on 27th September, 2006.

6. With the intervention of family members and relatives, both the parties entered into settlement before Mediation Centre, Tis Hazari Courts.

7. Further, in pursuance of the said settlement, the parties moved for divorce under the Hindu Marriage Act, 1955 (hereinafter "HMA"). Petitioner No.1 and respondent no.2 filed their first motion of the divorce petition under Section 13B(1) of HMA which was allowed on 31st August, 2021 before the Principal Judge, Family Court, North-West, Rohini, New Delhi. Petition under Section 13B(2) of HMA was filed by the parties and the marriage between petitioner no. 1 and respondent no. 2 stood dissolved by mutual consent vide order dated 10th December, 2021.

8. 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. 15,50,000/- (Rupees Fifteen Lakhs Fifty Thousand Only) and all disputes of any nature whatsoever, out of which Rs. 10,00,000/- (Rupees Ten Lakhs Only) have already been paid while remaining Rs. 5,50,000/- (Rupees Five Lakhs Fifty Thousand Only) was agreed to be paid at the time of quashing of the FIR.

9. Petitioner no.1 has handed over a Demand Draft bearing No. 715854 for the balance amount of Rs.5,50,000/- (Rupees Five Lakhs Fifty Thousand Only) dated 3rd March, 2022 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.

10. It is prayed that the instant FIR be quashed on the basis of Memorandum of Understanding dated 12th March, 2021 and as per the Judgment of the Hon'ble Supreme Court passed in ***Gian Singh vs. State of Punjab, (2012) 10 SCC 303.***

11. Mr. Panna Lal Sharma, 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.

12. Heard learned counsel for the parties and perused the record.

13. The instant criminal proceedings in respect of non-compoundable offences are private in nature and do not have a serious impact on the society especially when there is a settlement/compromise between victim and accused. In such cases, it is settled law that High Court is also required to consider the conduct and antecedents of the accused in order to ascertain that the settlement has been entered into by her own free will and has not been imposed upon her by the petitioner or any person related to him. 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.

14. 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.

15. 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.

16. 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. 702/2006 registered at Police Station Mangol Puri, Delhi for offences punishable under Sections 498A/406/34 of the IPC

and all consequential proceedings emanating therefrom are quashed.

17. The petition stands disposed of.

CHANDRA DHARI SINGH, J

APRIL 12, 2022

dy/ct