

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

**Crl. M.C. No.  5956-59/2006**

**22.10.2007**

**Date of Decision: 22nd October, 2007**

**Ratanvir Singh and Ors.**

**.....Petitioners**

**Through Mr. M. Sharma, Advocate for the petitioners**

**versus**

**\$ State of NCT of Delhi and Anr. ....**

**Respondents**

**Through Mr. O.P. Saxena, APP for the State.**

**Mr. S.S. Mishra for complainant.**

**Respondent no. 2 in person.**

**CORAM:**

**HON'BLE MR. JUSTICE P.K.BHASIN**

**1. Whether Reporters of local papers may be allowed to see the judgment?(No)**

**2. To be referred to the Reporter or not?(No)**

**3. Whether the judgment should be reported in the digest?(No)**

**JUDGMENT**

**P.K.BHASIN, J:**

**This petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as ?Cr.P.C.?) has been filed for quashing of FIR No. 795/2003 under Sections 498-A/406/34 of Indian Penal Code registered at Police Station Dabri, New Delhi on 18.10.2003 as well as the on-going trial in the Court of Ms. Navita Kumari, Metropolitan Magistrate, New Delhi.**

**2.The facts leading to the filing of this petition are that the marriage between petitioner no. 1 and respondent no. 2 was solemnized on 15.02.2002. After their marriage disputes started between the respondent no. 2 and her in-laws which led to the registration of an FIR at the instance of the respondent no. 2 against the petitioners herein. Petitioner nos. 2 and 3 are the parents-in-law of respondent no. 2 while petitioner no. 3 was the middleman who appears to have arranged the marriage between the petitioner no. 1 and respondent no. 2. The complainant respondent no. 2 herein had alleged in her complaint dated 18.10.2003 to the police that right from the inception of her matrimonial life, her in-laws started taunting her for giving just Rs. 50,000/- in dowry and**

started demanding the balance amount and when the parents of the complainant showed their inability to pay, they started harassing and nagging her to bring the balance amount and even turned her out of the matrimonial house. After investigation the police filed charge-sheet in the Court of concerned Metropolitan Magistrate where trial against the petitioners is stated to be going on.

3. During the pendency of the above said criminal proceedings, complainant and the petitioners have arrived at an amicable settlement as regards the maintenance, stri dhan/dowry articles etc. The parties have reduced the terms of settlement in writing in the form of a deed of compromise dated 3rd June, 2006, copy of which has been annexed to the present petition as Annexure P-2. The marriage between petitioner no. 1 and respondent no. 2 also stands dissolved vide judgment dated 02.01.2007 in H.M.A. No. 2152/2006. Copy of that judgment has also been placed on record.

4. Since the offences for which the petitioners were being prosecuted were not compoundable as per the provisions of Section 320 Cr.P.C the present petition under Section 482 Cr.P.C. was filed by the petitioners for quashing of the FIR as well as the on-going trial against them. Notice of the petition was sent to the State and respondent no. 2-complainant. Respondent no. 2 appeared in person on 10-10-2007 before this Court and she affirmed that disputes have been amicably resolved and so she is no more interested in pursuing her case against any of the petitioners. She supported the prayer of the petitioners for quashing of the FIR and the criminal proceedings resulting therefrom and also admitted her marriage with petitioner no. 1 has been dissolved by a decree of divorce by mutual consent.

5. In support of the prayer made in the petition for quashing of the FIR, learned counsel for the petitioners placed reliance upon a judgment of the Hon'ble Supreme Court in ?B.S.Joshi and Ors. Vs. State of Haryana and Anr.?, AIR 2003 SC

1386. That was also a case under Sections 498-A/323/406 IPC and during the pendency of criminal proceedings the disputes between the parties were settled. Petition was filed in the High Court for quashing of the FIR but that petition was dismissed by the High Court on the ground that the offences under Sections 498-A and 406 IPC being non-compoundable the inherent powers under Section 482 Cr.P.C. could not be invoked to bypass the mandatory provision of Section 320 Cr.P.C. While reversing the decision of the High Court the Hon'ble Supreme Court observed that ?if for the purpose of securing the ends of justice, quashing of FIR becomes necessary, Section 320 would not be a bar to the exercise of power of quashing.? It was also observed that in case of matrimonial disputes it becomes the duty of the Court to encourage genuine settlements of matrimonial disputes. In paras no. 13 and 14 of the judgment it was observed as under:-

?13. The observations made by this Court, though in a slightly different context, in G.V. Rao v. L.H.V. Prasad and Ors. are very apt for determining the approach required to be kept in view in matrimonial dispute by the courts, it was said that there has been an outburst of matrimonial disputes in recent

times. Marriage is a sacred ceremony the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reason which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their 'young' days in chasing their 'cases' in different courts.

14. There is no doubt that the object of introducing Chapter XX-A containing Section 498A in the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Section 498A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hyper technical view would be counter productive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XXA of Indian Penal Code.?

After observing so the Hon'ble Supreme Court quashed the FIR in view of the fact that the matrimonial dispute between the parties had been amicably resolved.

6. The complainant in the present case, as noticed already, has herself admitted before this Court that because of the settlement of the disputes with the petitioners she is no more interested in the prosecution of the petitioners pursuant to the FIR got registered by her. Thus, in view of the afore-quoted views of the Hon'ble Supreme Court in B.S. Joshi's case (supra) the FIR registered at the instance of respondent no. 2-complainant against the petitioners as well as the criminal trial arising out of the said FIR deserve to be quashed since the parties have amicably resolved their disputes.

7. This petition is accordingly allowed and consequently the FIR No. 795/2003 under Sections 498-A/406/34 IPC registered at police station Dabri as well as the case pending in the Court of Ms. Navita Kumari, Metropolitan Magistrate, New Delhi in respect of the said FIR are hereby quashed.

**P.K.BHASIN,J**  
October 22, 2007

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