
(2018) 12 DEL CK 0466

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 5066 Of 2018

Amandeep Singh & Ors

APPELLANT

Vs

State And Anr

RESPONDENT

Date of Decision : 18-12-2018

Acts Referred:

Indian Penal Code, 1860 — Section 34, 406, 498A
Dowry Prohibition Act, 1961 — Section 4

Citation : (2018) 12 DEL CK 0466

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Sumit Nandvani, M.P. Singh, Pradeep Kapur, Madhu Kapur

Final Decision : Disposed Off

Judgement

1. Quashing of FIR No.608/2016, under Sections 498-A/406/34 of IPC and Section 4 of the Dowry Prohibition Act registered at Police Station Seemapuri, Delhi is sought on the basis of Mediated Settlement of 9th May, 2017 arrived at Delhi Mediation Centre, Karkardooma Courts, Delhi (Annexure-P2).

2. Learned Additional Public Prosecutor for respondent-State submits that respondent No.2, present in the Court, is complainant/first-informant of the FIR in question and she has been identified to be so, by her counsel as well as by him on the basis of identity proof produced by her.

3. Respondent No.2, present in the Court, submits that on the basis of joint statement made by the parties before the matrimonial court, divorce by mutual consent has been already granted. She further submits that in terms of aforesaid Mediated Settlement, she has already received a sum of seven lacs out of the settled amount. However, she submits that some of the dowry articles, including a motorcycle, have not been returned to her and that the venue of visitation rights ought to be Gurudwara Bebe Nanki Ji, Dilshad Garden, Delhi. Respondent No.2, present in the Court, affirms the contents of aforesaid Mediated Settlement

and of her affidavit placed on record in support of this petition.

4. In "Gian Singh Vs State of Punjab"(2012) 10 SCC 303, Apex Court has recognized the need of amicable resolution of disputes in cases like the instant one, by observing as under:-

"Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.

Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor."

5. Upon hearing and on perusal of Mediated Settlement (Annexure-P2) and the joint statement of the parties made on 26th February, 2018 before the concerned Matrimonial Court, I find that respondent-Complainant has clearly stated in the joint statement that she has received the alimony, istridhan, etc., past, present and future, in full and final. So, now, first informant/ complainant cannot be heard to say that she has not received back the motorcycle or some of the dowry articles.

6. So far as the visitation rights are concerned, I find that as per the joint statement made by her before the concerned family court, venue of the visitation rights shall be Gurudwara Bebe Nanki Ji, Dilshad Garden, Delhi. A party cannot be allowed to wriggle out of a Mediated Settlement unless vitiated by misrepresentation, etc.. In the instant case, there are no allegations of misrepresentation, etc., against petitioners and so, respondent/complainant is bound by the joint statement made by her before the concerned family court. Today, respondent/complainant has stated that she has received the entire settled amount of Rs.7.5 lacs.

7. In view of aforesaid, while relying upon the aforesaid Mediated Settlement (Annexure-P2) and the joint statement of the parties made before the concerned family court, this petition is allowed and FIR No.608/2016, under Sections 498-A/406/34 of IPC and Section 4 of the Dowry Prohibition Act registered at Police Station Seemapuri, Delhi and the proceedings emanating therefrom are quashed qua petitioners.

8. This petition is accordingly disposed of.