

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

% Crl. M.C. No. 2225/2012

+ Date of Decision: 31st July, 2012

HIMANSHU @VICKYPetitioner
! Through: Mr. Deepak Arora, Advocate

Versus

\$ N.C. T. Of Delhi & Ors. ...Respondents
Through: Mr. M.N. Dudeja, APP for State
Mr. J.K. Bhola, Advocate for
Respondent no. 2 with
Respondent no. 2 in person

CORAM:

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

JUDGMENT

P.K.BHASIN, J:

This petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 for quashing of the FIR no. 353/10 dated 12th, October, 2010 registered at Jagat Puri Police Station at the instance of respondent no. 2 against the petitioner under Section 315 of the Indian Penal Code, 1860.

2. Briefly stated the facts of the case may be noted. Marriage of the petitioner and respondent no. 2 was solemnised in Delhi on 11th, December, 2009. Just a few days after they got married the petitioner and his parents allegedly started torturing her and finally on 16.09.2012, as it has been stated in the FIR, the petitioner dragged the respondent no. 2 from the room and kicked her in the abdomen when she was pregnant because of which she was hospitalised and had to get the abortion done. That incident had led to the lodging of the FIR against the petitioner by his wife.

3. However, thereafter with the intervention of friends and relatives both the parties resolved their differences and had come to an amicable settlement and it was agreed that the petitioner would pay a sum of Rs. 14,00,000/- to the respondent no. 2 towards full and final settlement of maintenance, etc. They also get their marriage dissolved by a decree of divorce by mutual consent.

4. In terms of the settlement agreement dated 20th December, 2010 the present petition has been filed by the petitioner for quashing the FIR. Respondent no.2,

complainant and the APP both had no objection for quashing the FIR against the petitioner.

5. The Hon'ble Supreme Court in the case of "***B.S. Joshi & Ors. V. State of Haryana***", ***AIR 2003 SC 1386*** had dealt with the aspect of quashing of criminal complaints which are non-compoundable by the High Court under Section 482 of the Code of Criminal Procedure and particularly in cases arising out of the matrimonial disputes and made the following observations:

"3. The observations made by this Court, though in a slightly different context, in ***G.V. Rao v. L.H.V. Prasad and Ors. : 2000CriLJ3487*** 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 reasons 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.”

6. In view of the above observations of the Supreme Court and the fact that the disputes between husband and wife have been amicably resolved this Court is also of the view that no useful purpose would be served by allowing the investigation to go on in this case.

7. This petition is accordingly allowed and the FIR no. 353/2010 dated 12th October, 2010 lodged at Jagat Puri Police Station is hereby quashed.

P.K. BHASIN, J

JULY 31, 2012