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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 1548/2023

SANTOSH KUMAR AND ORS.Petitioners

Through: Appearance not given.
versus

STATE THROUGH SHO PS NEW ASHOK NAGAR

AND ANRRespondents

Through: Mr. Yudhvir Singh Chauhan, APP
along with SI Shah Faisal.
Mr. Vishesh Wadhwa, Ms. Swadha
Gupta, Mr. Anant Singh, Mr. Ayush
Singh Sahni and Mr. Shivam Dahiya,
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

14.10.2024

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1. The instant petition under Section 482 of Code of Criminal Procedure, 1973 has been filed on behalf of the petitioners for quashing of FIR bearing no. 566/2015 lodged at Police Station-New Ashok Nagar under Sections 498A/406/34 of Indian Penal Code and consequential proceedings on behalf of the compromise/settlement made before the counseling/mediation centre, Karkardooma Court, Delhi.

2. The respondent no. 2 is also present before the Court along with her counsel Mr. Vishesh Wadhwa. On query made by the Court, the claimant/respondent no. 2 apprised the Court that she was not aware about the contents of the mediation report as the said report was written in English



and no one translated the contents to her in the vernacular language.

3. The respondent also apprised this Court about the discrepancy in the amount conveyed to her during the settlement and the actual amount written in the document. Furthermore, the respondent submitted that the divorce happened between the parties without apprising her about the same and her signature were taken without providing complete information leading to divorce being decreed in favour of the petitioner.

4. Heard.

5. The present petition has been filed for quashing of the FIR on the basis of the alleged settlement arrived at between the parties during the mediation happened at the counseling/mediation centre, Karkardooma Court, Delhi, however, the grievance raised by the respondent no.2 raises serious question about the practice being followed in the mediation centre at the Court concerned.

6. The objective behind establishment of the alternate dispute resolution forums is to ensure speedy and amicable settlement between the parties without much hassle, however, the said objective cannot negate the rights provided to the citizens by the Constitution of this Country.

7. Even though the official language for proceedings and documentation is English, the concerned authority is duty bound to translate the contents of such documents to a person not well versed with the same. Therefore, it becomes duty of the concerned authority to ensure appropriate translation of the relevant documents before the parties arrive at the settlement.

8. In the past few weeks, this Court has dealt with numerous matters filed under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 ('BNSS') for quashing on the basis of the compromise/settlement,



particularly in the case of dispute between wife and husband. In many cases, this Court has found that amount of the settlement is meager and still the complainant is duped to enter into the compromise for the purpose of quashing the FIR and the consequential proceedings.

9. The instant matter portrays the alarming situation prevailing in the Courts of the country where the complainant is oblivious to the contents of the compromise and still the mediation centres proceed with the same.

10. In view of the above facts and circumstances, this Court deems it appropriate to direct the in-charge of counseling centre, Karkardooma Court, Delhi to file an affidavit stating therein why the necessary steps were not taken to make the complainant understand the contents of the concerned settlement within two weeks and to be present before this Court on the next date of hearing.

11. List on 5th November, 2024.

12. Copy of this order be sent to the Registry for compliance.

CHANDRA DHARI SINGH, J

OCTOBER 14, 2024

Rk/av

[Click here to check corrigendum, if any](#)