

\$~43

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 266/2018**

BRAHAM PRAKASH DESWAL & ORS Petitioners

Through : Ms Renu Kuhar and Ms Ritika Seth,
Advocates.

versus

THE STATE & ANR Respondents

Through : Mr Arun Kumar Sharma, Addl. PP
for the State.
Mr V.Madhukar and Mr Vishnu Dutt
Sharma, Advocate for
complainant/R-2.
Insp Adith Lily.

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **18.01.2018**

Crl. M.A. 1015/2018(exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 266/2018

1. The petitioners seek quashing of FIR No.82/2011 under Sections 498A/406/34 IPC, Police Station Crime Against Women Cell (C.A.W.). The subject FIR emanates out of matrimonial discord.
2. Petitioner No.1 was the husband of respondent No.2 and petitioner Nos.2 & 3 are the parents of petitioner No.1.

3. It is contended that the parties have settled their disputes through the Counselling Cell, Saket Family Court Complex and Settlement Agreement dated 10.04.2017 has been executed. Further, it is contended that the marriage of the parties has been dissolved by way of decree of divorce by mutual consent dated 07.11.2017.

4. Respondent No.2 is present in Court, represented by her counsel and identified by the Investigating Officer.

5. As per the settlement terms, a sum of Rs.20 lakhs was to be paid to respondent No.2, out of which Rs.6.5 lakhs was paid at the time of the First Motion and Rs.6.5 lakhs was paid at the time of the Second Motion. The petitioner has handed over one pay order bearing No.421174 dated 12.01.2018 amounting to Rs.7 lakhs issued by the Indian Overseas Bank in favour of the daughter of the Petitioner No. 1 and Respondent No. 2, which is accepted by respondent No.2.

6. Respondent No.2 submits that she does not wish to prosecute the criminal proceedings any further.

8. In view of the above and keeping in view of the fact that the FIR emanates from matrimonial discord and respondent No. 2 does not wish to press her complaint, 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. It would be expedient to quash the subject FIR and the consequent proceedings emanating therefrom.

7. Accordingly, FIR No.82/2011 under Sections 498A/406/34 IPC, Police Station Crime Against Women Cell (C.A.W.) and the consequent proceedings emanating therefrom are hereby quashed.

8. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

JANUARY 18, 2018

‘§n’