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

+ **CRL.M.C. 751/2018**

NIKHIL TYAGI & ORS

..... Petitioners

Through: Mr. Surender Tyagi, Adv.

versus

THE STATE GOVT OF NCT OF DELHI & ORS Respondents

Through: Mr. Arun Kr. Sharma, Addl. PP for
the State with ASI Asmita
Mr. D.S. Potial, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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13.02.2018

Crl. M.A. No. 2715/2018 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 751/2018

1. The petitioners seek quashing of FIR No. 497 of 2016 under Sections 498A/406/34 of the IPC Police Station Najafgarh, New Delhi, on the basis of a settlement. It is contended that the FIR was lodged consequent to a matrimonial discord.

2. Learned counsels for the parties submit that the parties have settled their disputes and have amicably dissolved their marriage by mutual consent and decree of divorce dated 13.12.2017 has been passed. A total sum of Rs. 21 lakhs besides gold, diamond and silver jewellery/coins have been agreed to be paid to respondent no. 2. A sum of Rs. 14 lakhs has already been paid and articles returned and the balance sum of Rs. 7 lakhs

has been paid to respondent no. 2 by way of Demand Draft No. 524510 dated 12.02.2018 issued by Syndicate Bank, Vikas Puri Branch, today in the Court.

3. Respondent no. 2 is present in court in person, represented by her counsel and is identified by the Investigating Officer. She submits that she has settled the dispute with the petitioners and is agreeable to the settlement and does not wish to press criminal charges against the petitioners any further. It is further submitted on behalf of the parties that parties had entered into the settlement and Settlement Deed/MOU dated 17.05.2017 has been executed.

4. In view of the fact that the disputes between the petitioners and respondent no. 2 emanate out of a matrimonial discord and have been settled, 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.

5. In view of the above, the petition is allowed. FIR No. 497 of 2016 under Sections 498A/406/34 of the IPC Police Station Najafgarh, New Delhi and the consequent proceedings therefrom are, accordingly quashed.

6. Order Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

FEBRUARY 13, 2018

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