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

+ **CRL.M.C. 1746/2018**

BHAGWAT DAYAL & ANR

..... Petitioner

Through : Mr R.D.Sharma, Advocate.

versus

STATE (NCT OF DELHI) & ANR

..... Respondent

Through : ASI Kiran Sethi, PS Anand Parbat.

Mr Davinder Verma, Advocate for
R-2.

Mr Mukesh Kumar, Addl. PP for the
State.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **09.04.2018**

Crl. M.A. 6265/2018(exemption)

Allowed, subject to all just exceptions.

Crl.M.A.6266/2018(delay in re-filing for 16 days)

For the reasons stated in the application, the application is
allowed. The delay in re-filing the petition is condoned.

The application stands disposed of accordingly.

CRL.M.C. 1746/2018

1. Petitioner seeks quashing of FIR No.78 /2012, under Sections
498A/406/34 IPC, Police Station Anand Parbat, based on a
Settlement.

2. The subject FIR emanates out of a matrimonial discord. Petitioner No.1 is the husband of respondent No.2. Petitioner No.2 is the sister of petitioner No.1.

3. Parties have settled their dispute. The Settlement dated 31.03.2016 has been executed between the parties before the Counselling Cell , Tis Hazari Courts, Delhi.

4. By way of settlement, a total sum of Rs.4,10,000/- was agreed to be paid to respondent No.2 towards full and final settlement of all her claims. A sum of Rs.3 lakhs has already been paid and balance amount of Rs.1,10,000/- has been paid by way of Pay Order No.008485 dated 31.01.2018 issued by the Ramgarhia Co-operative Bank, Tri Nagar Branch, which is accepted in the Court today.

5. Respondent No.2 is present in Court in person, represented by counsel and is identified by the Investigating Officer. She confirms that the settlement has taken place and further submits that the marriage between the parties has been dissolved by way of decree of divorce by mutual consent on 30.10.2017. She also submits that she does not wish to press her complaint any further.

6. In view of the above and keeping in view of the fact that the FIR emanates from matrimonial discord and the parties have resolved their dispute through Settlement dated 31.03.2016, which has been executed between the parties before the Counselling Cell , Tis Hazari Courts, Delhi, 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.78 /2012, under Sections 498A/406/34 IPC, Police Station Anand Parbat, and the consequent proceedings emanating therefrom are hereby quashed.

8. Order Dasti under signatures of Court Master.

SANJEEV SACHDEVA, J

APRIL 09, 2018

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