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

+ **CRL.M.C. 1067/2018**

VIKAS @ VICKY GUPTA & ORS

..... Petitioners

Through: Mr. Rakesh Kr. Dudeja with Mr. Raj
Kumar Tomar, Advs.

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Through: Mr. Akshai Malik, Addl. PP for the
State with SI Surender
Mr. Jatin Teotia, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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28.02.2018

Crl. M.A. 3842/2018 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 1067/2018

1. The petitioners seek quashing of FIR No. 146 of 2011 under Sections 498A/406/34 of the IPC Police Station Mianwali Nagar, New Delhi, based on 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 07.05.2016 has been passed. A total sum of Rs. 2.50 lakhs has been agreed to be paid to respondent no. 2. A sum of Rs. 1.50 lakhs has already been paid and the balance sum of Rs. 1 lakhs has been paid to respondent no. 2 by way of Demand Draft No.

278802 dated 23.01.2018 issued by UCO Bank today in 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 petitioner and is agreeable to the settlement and does not wish to press the criminal charges against the petitioners any further. It is further submitted on behalf of the parties that parties had entered into the settlement on 24.07.2016 before the Delhi Mediation Centre, Dwarka Courts, Delhi.

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. 146 of 2011 under Sections 498A/406/34 of the IPC Police Station Mianwali Nagar, New Delhi and the consequent proceedings therefrom are, accordingly quashed.

6. Order Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

FEBRUARY 28, 2018

‘rs’