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

+ **CRL.M.C. 1017/2018**

NITINESH SINGH & ORS

..... Petitioners

Through: Mr. Ranjan Chaudhary, Adv.
Mr A.N.Shukla, Advocate.

versus

THE STATE GOVT OF NCT OF
DELHI & ANR

..... Respondents

Through: Mr. Mukesh Kumar, Addl. PP for the
State
W/ASI Saroj, PS Chhawala.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **27.02.2018**

Crl. M.A. 3680/2018(exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 1017/2018

1. By this petition, the petitioner seeks quashing of FIR No.238/2015 under Sections 406/498A/34 IPC, Police Station Chhawala.

2. The subject FIR emanates out of matrimonial discord. Petitioner No.1 is the husband of respondent No.2. Petitioner Nos.2 & 4 are the parents of petitioner No.1. Petitioner No.3 is the brother

of petitioner No.1.

3. Learned counsel for petitioners submits that petitioner no. 4 who is mother of petitioner no. 1 is unwell and could not be personally present and petitioner no. 3, the brother of petitioner no. 1, is taking care of his ailing mother could not be present in Court today.

4. At the request of counsel for petitioner, petitioner no. 3 and 4 are granted exemption from personal appearance.

5. Parties have settled their dispute and terms of settlement have been recorded through a Settlement Deed dated 07.11.2017 before the Principal Judge, Family Court, Madhubani.

6. Respondent No.2 is present in Court in person, is represented by counsel and identified by the Investigating Officer. She submits that the entire amount of Rs.4.5 lakhs has been paid. Out of the said amount, a sum of Rs.50,000/- was paid by way of a cheque. She confirms that the settlement has taken place and further that the marriage between the parties has been dissolved by way of mutual consent on 07.10.2017.

7. Petitioner No.1, who is present in person, undertakes that the cheque shall be honoured on its presentation. The undertaking is accepted.

8. In view of the above and keeping in view of the fact that the FIR emanates from a matrimonial discord and the parties have resolved their dispute through a Settlement Deed dated 07.11.2017

before the Principal Judge, Family Court, Madhubani and further 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.

9. Accordingly FIR No.238/2015 under Sections 406/498A/34 IPC, Police Station Chhawala and the consequent proceedings emanating therefrom are hereby quashed.

10. Order Dasti under signatures of Court Master.

SANJEEV SACHDEVA, J

FEBRUARY 27, 2018

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