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

+ **CRL.M.C. 977/2018**

MUKESH & ORS

..... Petitioners

Through : Mr Yogesh Kumar, Advocate.

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Through : Mr Arun Kumar Sharma, APP.

SI Rajender Singh, PS Malviya
Nagar.

Ms Geetanjali, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **26.02.2018**

Crl. M.A. 3587/2018(exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 977/2018

1. By this petition, the petitioners seek quashing of FIR No.386/2002 under Sections 406/498A/34 IPC, Police Station Malviya Nagar.
2. The subject FIR emanates out of matrimonial discord. Petitioner No.1 is the husband of respondent No.2. Petitioner Nos.2 to 4 are the relations of petitioner No.1.
3. Parties have settled their dispute. The Settlement agreement dated 30.06.2011 has been executed between the parties.
4. Respondent No.2 is present in Court in person, is represented by counsel and identified by the Investigating Officer. 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 09.11.2017.

5. Petitioners are also present in Court. They confirm that the custody of the minor children of the parties shall remain with respondent No.2 and they shall not claim any rights contrary to the Settlement Terms. The statement is taken on record.

6. 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 disputes through a Settlement dated 30.06.2011 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 there from.

7. Accordingly, FIR No.386/2002 under Sections 406/498A/34 IPC, Police Station Malviya Nagar and the consequent proceedings emanating there from are hereby quashed.

8. Order Dasti under signatures of Court Master.

FEBRUARY 26, 2018/२६

SANJEEV SACHDEVA, J