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

+ **CRL.M.C. 1062/2018**

AMIT SHARMA & ANR

..... Petitioners

Through: Mr. Ujas Kumar, Mr. Amit Sharma
and Mrs. Nirmal Sharma, Advs.

versus

STATE & ANR

..... Respondents

Through: Mr. Arun Kr. Sharma, Addl. PP for
the State with SI Ashok Kumar
Mr. Dhruv Grover, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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28.02.2018

Crl. M.A. 3835/2018 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 1062/2018

1. The petitioners seek quashing of FIR No. 350 of 2011 under Sections 498A/406/34 of the IPC Police Station Hazart Nizamuddin, 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 06.02.2018 has been passed. In terms of the settlement dated 17.07.2017, respondent no. 2

has already withdrawn the complaint filed under the provisions of Domestic Violence Act, 2005 on 01.09.2017.

3. A total sum of Rs. 10 lakhs has been agreed to be paid to respondent no. 2. A sum of Rs. 8 lakhs has already been paid and the balance sum of Rs. 2 lakhs has been paid to respondent no. 2 by way of Demand Draft No. 774125 dated 26.02.2018 issued by Kotak Mahindra Bank today in the Court. The petitioner has also paid the maintenance amount of Rs. 10,000/- per month, from August 2017 till January 2018.

4. 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 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 17.07.2017 before the Delhi High Court Mediation & Conciliation Centre, New Delhi.

5. 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.

6. In view of the above, the petition is allowed. FIR No. 350 of 2011 under Sections 498A/406/34 of the IPC Police Station Hazart Nizamuddin, New Delhi and the consequent proceedings therefrom are, accordingly quashed.

7. Order Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

FEBRUARY 28, 2018
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