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

+ CRL.M.C. 1053/2018

KAPIL GAMBHIR @ KAPIL DEV & ORS Petitioners
Through: Mr. Lokendra Singh, Advs.
versus

STATE (GOVT OF NCT DELHI) & ANR Respondents
Through: Mr. Akshai Malik, Addl. PP for the
State with SI Devendra Kumar
Mr. Pradeep Kumar Singh, Adv. for
complainant/respondent no. 2

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER
28.02.2018

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1. The petitioners seek quashing of FIR No. 67 of 2013 under Sections 498A/406/506/34 of the IPC Police Station Sagarpur, New Delhi, based on a settlement. It is contended that the FIR was lodged consequent to a matrimonial discord.
2. Learned counsel for the petitioner submits that the two co-accused mentioned in Column No. 12 of the chargesheet have not been summoned by the trial court.
3. 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 08.11.2017 has been passed. A total sum of Rs. 5 lakhs have been agreed to be paid to respondent no. 2. A sum of Rs. 3 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. 895656 dated 23.02.2018 issued by Bank of Baroda today in Court.
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 petitioner and is agreeable to the settlement and does not wish to press criminal charges against the petitioners any further. It is further submitted on behalf of the parties that parties had entered into the settlement on 28.03.2016 before the Delhi Mediation Centre, Dwarka Courts, 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. 67 of 2013 under Sections 498A/406/506/34 of the IPC Police Station Sagarpur, 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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