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

+ **CRL.M.C. 1206/2018**

HAKIKAT KADIAN & ORS

..... Petitioners

Through

Mr. S.K. Sharma with Mr. Yugant
Kuhar, Advocates.

versus

STATE & ANR

..... Respondents

Through

Mr. Mukesh Kumar, APP for the
State.
SI Ram Singh, PS C.R. Park.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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12.03.2018

Crl.M.A.4421/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 1206/2018

1. The petitioners seek quashing of FIR No.6/2016 under Sections 498A/406/34 IPC, Police Station Chitranjan Park.

2. The subject FIR emanates out of matrimonial discord. Petitioner No.1 is the husband of respondent No.2. Petitioner Nos.2 and 3 are the parents of the petitioner No.1. Petitioner No.4 is the sister of the petitioner No.1. Petitioner No.5 is the brother of the petitioner No.1. Petitioner No.6 is the married sister of the petitioner No.1. Petitioner No.7 is the husband of the petitioner No.6.

3. Learned counsel for the petitioners submits that the petitioner No.7 is a serving officer in the Indian Navy and, on account of his duties, could not be present in Court. Petitioner No.7 is granted exemption from personal appearance.

4. Learned counsel for the petitioners submits that the disputes between the parties have been settled and a Memorandum of Understanding dated 09.02.2017 has been executed between the parties. The parties have already been divorced by way of a decree of divorce by mutual consent, passed on 14.12.2017.

5. The respondent No.2 was to be paid a total sum of Rs.14,00,000/- in full and final settlement of all her claims. The total sum of Rs.14,00,000/- has already been paid to the respondent No.2 in two equal instalments at the time of recoding of the statement for the First Motion as well as at the Second Motion.

6. As per the settlement, the permanent custody of the minor child born out of the wedlock is to remain with the respondent No.2. The petitioner No.1, who is present in Court in person, undertakes that he shall not claim any rights contrary to the settlement agreement between the parties. The undertaking is accepted.

7. The respondent No.2 is present in person, represented by counsel and is identified by the Investigating Officer. She submits that she has settled her disputes with the petitioners and does not wish to press charges against the petitioners and prosecute the complaint any further.

8. In view of the fact that the proceedings emanate out of a matrimonial discord and the parties have fully and finally settled their disputes and the respondent No.2 has stated that she does not wish to press the complaint any further and the fact that the parties have already been divorced by way of a decree of divorce by mutual consent, passed on 14.12.2017, 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. In view of the above, FIR No.6/2016 under Sections 498A/406/34 IPC, Police Station Chitranjan Park and the consequent proceedings emanating there from are quashed.

10. Order *Dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J

MARCH 12, 2018

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