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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1380/2018**
LT. COL. ASHWANI SHARMA & ORS Petitioners
Through: Mr. Gaurav Sharma, Adv.

versus

STATE & ANR Respondents
Through: Mr. Akshai Malik, Addl. PP for the
State with ASI Gajraj Singh
Mr. Ajay Sharma, Adv. for R-2 with
R-2 in person

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER
% **19.03.2018**

Crl. M.A. No. 5021/2018 (Exemption)

Learned counsel for the petitioner submits that petitioner no. 1 is a serving officer and on account of exigencies of service, he could not be present in Court today.

For the reasons stated in the application, the application is allowed. Petitioner no. 1 is granted exemption from personal appearance.

CRL.M.C. 1380/2018 & CRL. M.A. 5020/2018 (stay)

1. The petitioners seek quashing of FIR No. 165 of 2016 under Sections 498A/406/34 of the IPC Police Station Sector-23, Dwarka, 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 10.11.2017 has been passed. It is further submitted on behalf of the parties that parties had entered into a settlement on 16.12.2017 before the Delhi Mediation Centre, Dwarka Courts, Delhi.

3. As per the settlement between the parties, it is agreed that the permanent custody of the minor son born out of the wedlock of the parties shall remain with respondent no. 2. Learned counsel for the petitioner submits that he has instructions to undertake that petitioner shall not claim any right contrary to the settlement agreement dated 16.12.2017. The statement is taken on record.

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.

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. 165 of 2016 under Sections 498A/406/34 of the IPC Police Station Sector-23, Dwarka, Delhi and the consequent proceedings therefrom are, accordingly quashed.

7. Order Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

MARCH 19, 2018

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