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

\+ **CRL.M.C. 1423/2018**

DINESH KUMAR

..... Petitioner

Through : Mr Manuj Aggarwal and
Mr S.K.Sharma, Advocates.

versus

STATE (GOVT OF NCT OF DELHI) & ANR

..... Respondent

Through : Ms Seemab Ali Fatima, Advocate
with R-2 in person.
Mr Mukesh Kumar, APP.
ASI Rajveer, PS Alipur.

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

O R D E R

% 13.04.2018

Crl. M.A. 5173/2018(exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 1423/2018 & Crl.M.A.5172/2018(stay)

1. Petitioner seeks quashing of FIR No.268/2009, under Section 498A IPC, Police Station Alipur, based on a Settlement.

2. Subject FIR emanates out of a matrimonial discord. Petitioner is the husband of respondent No.2.

3. Parties have settled their dispute. Settlement Agreement dated 21.12.2016 has been executed between the parties.

4. By way of settlement, a total sum of Rs.1,25,000/- was agreed to be paid to respondent No.2 towards full and final settlement of all her claims. A sum of Rs.70,000/- has already been paid and balance amount of Rs.55,000/- has been paid in cash today.

5. Respondent No.2 is present in Court in person, represented by counsel and is identified by the Investigating Officer. She confirms that the settlement has taken place and further submits that the marriage between the parties has been dissolved by way of decree of divorce by mutual consent on 14.11.2017. She also submits that she does not wish to press her complaint any further.

6. In view of the above and keeping in view of the fact that the FIR emanates from matrimonial discord and the parties have resolved their dispute through a Settlement Agreement dated 21.12.2016, which has been executed between the parties 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 therefrom.

7. Accordingly, FIR No.268/2009, under Section 498A IPC, Police Station Alipur and the consequent proceedings emanating therefrom are hereby quashed.

8. Order Dasti under signatures of Court Master.

APRIL 13, 2018/'Sn' **SANJEEV SACHDEVA, J**