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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1449/2018**
HARSH SUMAN & ORS

..... Petitioner

Through : Ms Saahila Lamba, Advocate with
petitioners in person.

versus

STATE GOVT OF NCT OF DELHI & ANR

..... Respondent

Through : Mr Mukesh Kumar, Addl. PP for the
State
SI Manjeet Singh, PS Dwarka.
Mr Jag Dev Singh, Mr Hemant
Kakkar and Mr Ram Lal Ray,
Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **21.03.2018**

Crl. M.A. 5267/2018(exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 1449/2018

1. Petitioner seeks quashing of FIR No.439/2014 under Sections 313/406/498A/34 IPC, Police Station Dwarka, South, based on a Settlement.
2. The subject FIR emanates out of a matrimonial discord.

Petitioner No.1 is the husband of respondent No.2. Petitioner No.2 is the mother of petitioner No.1 & petitioner No.3 is the brother of petitioner No.1.

3. Parties have settled their dispute. As per the Settlement, it has been agreed that the permanent custody of the minor son would remain with respondent No.2.

4. The petitioner, who is present in person in Court, undertakes that he shall not claim any rights contrary to the Settlement Agreement dated 23.09.2017.

5. It had further been agreed that parties would apply for the first Motion on or before 15.12.2017 and at the time of the recording of the Statement, a sum of Rs.3 lakhs would be paid to respondent No.2. Parties confirm that the First Motion was filed and the sum of the Rs.3 lakhs was paid.

6. As per the Settlement, respondent No.2 has agreed to quashing of the subject FIR as well as the FIR No.458/2015, for quashing of which the petition would be filed on or before 15.06.2018. The Second Motion Petition would be filed on or before 15.09.2018. At all the three stages, the petitioner is to pay a sum of Rs.3 lakhs each to respondent no.2, in addition to the earlier amount of Rs.3 lakhs paid to respondent No.2.

7. Respondent No.2 is present in Court in person, is identified by the Investigating Officer. She confirms that the settlement has taken

place and she submits that she has no objection to the quashing of the FIR. Further, she submits that she also has no objection to the quashing of the second FIR and undertakes that she shall appropriately give her statement at the time of the Second Motion.

8. The petitioners, who are also present in person, further undertake that they shall pay the amounts referred to in the Settlement Agreement dated 23.09.2017 and shall also move the Petition for Second Motion for grant of divorce on before 15.09.2018. The respective undertakings are accepted.

9. As per the Settlement Agreement, the petitioner was to issue a certified copy of the Caste Certificate to respondent No.2. The same has been handed over to respondent No.2. The petitioner further undertakes that petitioner shall cooperate with respondent No.2 to ensure that the appropriate benefit is granted to the minor child based on his Caste Certificate.

10. 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 the Settlement Agreement dated 23.09.2017, 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.

11. Accordingly, FIR No.439/2014 under Sections 313/406/498A/34 IPC, Police Station Dwarka, South and the consequent proceedings emanating therefrom are hereby quashed.

12. Order Dasti under signatures of Court Master.

SANJEEV SACHDEVA, J

MARCH 21, 2018

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