

\$~51

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

+ **CRL.M.C. 1616/2018**

AMIT TYAGI & ORS

..... Petitioners

Through : Ms Shobhana Tanwar and Mr
Mukesh Sharma, Advocates for P-1 to
P-3.

versus

STATE & ANR

..... Respondent

Through : Mr Mukesh Kumar, Addl. PP for the
State.
Mr S.K.S.Bhaduri, Advocate.
R-2 in person.
SI Manish Tyagi, PS Gandhi Nagar.
SI Harender Kumar, PS Timarpur.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

%

04.04.2018

Crl. M.A. 5866/2018(exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 1616/2018

1. Petitioner seeks quashing of FIR No.327/2006, under Sections 498A/406/34 IPC, Police Station Timarpur, 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 Nos.2 & 3 are the parents of petitioner No.1.

3. Parties have settled their dispute. The Memorandum of Settlement dated 06.02.2018 has been executed between the parties through Delhi Mediation Centre, Tis Hazari Courts, Delhi.

4. As per the Settlement, a total sum of Rs.9,00,000/- was agreed to be paid to respondent No.2 towards full and final settlement of all her claims. A sum of Rs.3 lakhs has already been paid and another sum of Rs.3 lakhs has been paid in Court today by way of Demand Draft bearing No.511803 dated 17.03.2018 issued by the Oriental Bank of Commerce. It was also agreed at the time of Settlement, balance sum of Rs.3 lakhs shall be paid to the respondent at the time of withdrawal of her petitions filed by the respondent No.2 against the petitioner.

5. Respondent No.2 is present in Court in person, is identified by the Investigating Officer. She submits her other petitions are listed on 30.04.2018 and she shall withdraw the same on receipt of the balance amount of Rs.3 lakhs. Petitioner No.1 undertakes that the balance amount shall be paid to the respondent No.2 along with the withdrawal of the said petitions. The undertaking is accepted.

6. As per the Settlement, the permanent custody of the minor daughter is with the respondent. Petitioner No.1 undertakes that he shall not claim any rights contrary to the Settlement Terms. The undertaking is accepted.

7. Respondent No.2 confirms that the settlement has taken place and further submits that the marriage between the parties has been

dissolved by way of mutual consent on 31.10.2009. She also submits that she does not wish to press her complaint any further.

8. 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 Memorandum of Settlement dated 06.02.2018, which has been executed between the parties through Delhi Mediation Centre, Tis Hazari Courts, Delhi 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.

9. Accordingly, FIR No.327/2006, under Sections 498A/406/34 IPC, Police Station Timarpur, and the consequent proceedings emanating therefrom are hereby quashed.

10. Order Dasti under signatures of Court Master.

SANJEEV SACHDEVA, J

APRIL 04, 2018

‘§n’