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

+ **CRL.M.C. 1720/2018**

AMIT RANA & ORS

..... Petitioners

Through: Mr. Ankur Jain, Adv.

versus

THE STATE(GOVT.OF NCT DELHI)& ANR Respondents

Through: Mr. Akshai Malik, Addl. PP for the
State with IO

Mr. Manu Bhardwaj, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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09.04.2018

Crl. M.A. 6194/2018 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 1720/2018

1. The petitioner seeks quashing of FIR No. 794 of 2014 under Sections 498A/406/34 of the IPC Police Station Bhajanpura, North East District, 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 18.01.2018 has been passed. A total sum of Rs. 1.20 crores has been agreed to be paid to respondent no. 2. A sum of Rs. 80 lakhs has already been paid and the balance sum of Rs. 40

lakhs has been paid to respondent no. 2 by way of Cashier's Order No. 116429 dated 03.04.2018 issued by HSBC Ltd. today in the Court.

3. As per the settlement dated 26.09.2017, respondent no. 2 shall have the permanent custody of both the minor children, with agreed upon visitation rights. The Petitioner-husband undertakes that he shall not claim any right contrary to the settlement terms.

4. Learned counsel for the petitioner submits that the properties which were subject matter of the settlement have been duly transferred in favour of the petitioner. Respondent no. 2 undertakes that she shall not deny visitation rights as agreed to in the settlement terms. The undertakings are accepted.

5. 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. It is further submitted on behalf of the parties that parties had entered into the settlement before the Delhi High Court Mediation & Conciliation Centre, New Delhi on 26.09.2017.

6. In view of the fact that the disputes between the petitioner 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.

7. In view of the above, the petition is allowed. FIR No. 794 of 2014 under Sections 498A/406/34 of the IPC Police Station Bhajanpura, North East District, Delhi and the consequent proceedings therefrom are, accordingly quashed.

8. Order Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

APRIL 09, 2018

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