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

+ **CRL.M.C. 1983/2018**

SANKALP SHARMA & ORS

..... Petitioners

Through : Mr Gaurav Kaushik, Advocate.

versus

STATE OF NCT OF DELHI & ANR

..... Respondent

Through : Ms Anita Abraham, Addl. PP for the
State.

ASI Sunil Dutt, PS Mahindra Park.

Mr Mirza Javed Beg, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **18.04.2018**

Crl. M.A. 7041/2018(exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 1983/2018

1. Petitioners seek quashing of FIR No.209/2015, under Sections 498A/406/34 IPC, Police Station Mahendra Park, based on a Settlement.

2. Subject FIR emanates out of a matrimonial discord. Petitioner No.1 is the husband of respondent No.2. Petitioner No.2 is the father of the petitioner No.1. Petitioner No.3 is the brother of the petitioner No.1 and petitioner No.4 is the sister of petitioner No.1.

3. Learned counsel for the petitioners submits that petitioner No.2,

father of petitioner No.1, on account of his illness and being out of station, could not be present today. He prays for his exemption from personal appearance.

4. In view of the above, petitioner No.2 is granted exemption from personal appearance.

5. Parties have settled their dispute. The Settlement dated 04.05.2017 has been executed between the parties before the Counselling Cell, Rohini Courts, Delhi.

6. By way of settlement, a total sum of Rs.3,00,000/- was agreed to be paid to respondent No.2 towards full and final settlement of all her claims. A sum of Rs.2 lakhs has already been paid and balance amount of Rs.1,00,000/- has been paid by way of Demand Draft bearing No.074841 dated 03.02.2018 issued by the Axis Bank, Swasthya Vihar Branch, New Delhi, which is accepted in the Court today.

7. As per the Settlement, the permanent custody of the minor child is to be with respondent No.2.

8. Though the parties had settled the matter with the intervention of the Court, petitioner No.1 has volunteered that he shall deposit a sum of Rs.50,000/- in a Fixed Deposit Receipt to be created in the name of the minor child, which shall be under guardianship of respondent No.2 and the amount of the said Fixed Deposit Receipt along with interest accrued thereon, on maturity shall be given to the minor child on his attaining the age of majority.

9. Petitioner No.1 undertakes that the said Fixed Deposit Receipt shall be created within a period of six months from today. The undertaking is

accepted. The fixed deposit receipt shall be handed over to respondent No. 2.

10. 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 25.11.2017. She also submits that she does not wish to press her complaint any further.

11. 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 before the Counselling Cell, Rohini Courts, Delhi and a Settlement dated 04.05.2017 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.

12. Accordingly, FIR No.209/2015, under Sections 498A/406/34 IPC, Police Station Mahendra Park and the consequent proceedings emanating therefrom are hereby quashed.

13. Order Dasti under signatures of Court Master.

SANJEEV SACHDEVA, J

APRIL 18, 2018/“sp’