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

+ **CRL.M.C. 2170/2018**

MANISH AGGARWAL

..... Petitioner

Through : Mr Anil Sapra, Senior Advocate with
Mr Ankur Goal and Mr Sarthak
Katyal, Advocates.

versus

STATE & ANR

..... Respondents

Through : Mr G.M.Farooqui, APP.
SI Pradeep Kumar, PS Model Town.
Ms Monika Arora with Mr Harsh
Ahuja, Advocates with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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31.05.2018

Crl.M.A.10919/2018 (early hearing)

1. By this application, petitioner prays for advancing of the date of hearing.
2. For the reasons stated in the application, the application is allowed.
3. The Petition is taken up for hearing today. The next date of 25.07.2018 is cancelled.

CRL.M.C. 2170/2018

1. Petitioner seeks quashing of FIR No.295/2017 under Sections 376/377/498A/307/323/506 IPC & Section 12 of POCSO Act, Police

Station Model Town, based on a Settlement.

2. This petition is an off shoot of matrimonial dispute. Respondent No.2 was the wife of the petitioner.

3. Parties have settled their dispute. Settlement Deed dated 28.11.2017 has been executed between the petitioner and respondent No.2 as also the children of the parties represented through their mother – respondent No.2 herein.

4. As per the Settlement, the petitioner had agreed to pay total amount of Rs.42 lakhs apart from transferring Flat No.518, 5th Floor, Tower – Crema, Plot No.78, Noida, District Gautam Budh Nagar.

5. Parties are present in Court in person, represented by counsel and are identified by the Investigating Officer. They confirm that the entire amount of Rs.42 lakhs has already been paid and the subject Flat stand transferred in favour of respondent No.2.

6. As per the Settlement, permanent custody of both the children shall remain with respondent No.2.

7. Petitioner, who is present in Court in person, undertakes that he shall not claim any rights contrary to the Settlement Terms. The undertaking is accepted.

8. Respondent No.2 is present in Court in person, represented by counsel and 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 11.04.2018. She also submits that she does not wish to press

her complaint any further.

9. 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 Settlement Deed dated 28.11.2017, which has been executed between the petitioner and respondent No.2 as also the children of the parties represented through their mother – respondent No.2 herein and further 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.

10. Accordingly, FIR No.295/2017 under Sections 376/377/498A/307/323/506 IPC & Section 12 of POCSO Act and the consequent proceedings emanating therefrom are hereby quashed.

11. Order Dasti under signatures of Court Master.

SANJEEV SACHDEVA, J

MAY 31, 2018

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