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

+ **CRL.M.C. 2036/2018**

RAM KISHAN & ORS

..... Petitioners

Through Mr. Charanjit Sharma, Adv. with
petitioner in persons

versus

SATTE (DELHI ADMN.)& ANR

..... Respondents

Through Mr. Mukesh Kumar, Addl. PP for the
State with IO

Mr. Akhil Anand and Mr. Ved Pal
Singh, Advs. for complainant/R-2

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **20.04.2018**

1. The petitioners seek quashing of FIR No. 140 of 2017 under Sections 498A/354/34 of the IPC Police Station Palam Village, 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 entered into a settlement dated 07.04.2018. As per the settlement, the parties have agreed to dissolve their marriage by mutual consent. It has been agreed that the petitioner shall pay a total sum of Rs. 7 lakhs in full and final settlement of all the claims. It has further been agreed between the parties that Rs. One lakh shall be paid by the petitioners at the time of quashing of FIR; Rs. 4,00,000/- shall be paid in two equal instalments at the time of

recording of First Motion and Second Motion respectively; and Rs. 2 lakhs shall be paid by the petitioners at the time of withdrawal of complaint under Domestic Violence Act. A sum of Rs. 1,00,000/- has been paid to respondent no. 2 by way of Demand Draft/Banker's Cheque No. 095409 dated 09.04.2018 issued by State Bank India today in the Court.

3. Respondent no. 2 is present in court in person, represented by her counsel and is identified by the Investigating Officer.

4. The petitioners and respondent No 2 undertake that they shall abide by the terms of the settlement. They also undertake that they shall honour their respective commitments and the petitioners undertake that they shall pay the said amount as agreed between the parties. Respondent no. 2 also undertakes that on receipt of the agreed amount she shall cooperate with the petitioners and shall withdraw the complaint registered under Domestic Violence Act. The undertaking is accepted.

5. Learned counsel for the petitioner submits that within a period of one week, he shall hand over a draft petition for mutual divorce to learned counsel for the respondent.

6. Respondent No. 2 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.

7. 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.

8. In view of the above, the petition is allowed FIR No. 140 of 2017 under Sections 498A/354/34 of the IPC Police Station Palam Village, Delhi and the consequent proceedings therefrom are, accordingly quashed.

9. Order Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

APRIL 20, 2018

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