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

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Judgment delivered on: 27.07.2018

+ CRL.M.C. 2609/2018

BHUPENDER & ORS

..... Petitioners

versus

STATE & ANR

..... Respondents

+ CRL.M.C. 2622/2018

BRIJ MOHAN & ORS

..... Petitioners

versus

STATE & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner :

Ms. Padma Priya with Mr. Anchit Bhandari,
Advocates with petitioners in person.

For the Respondent:

Ms. Neelam Sharma, APP for State in CRL.M.C.
2609/2018
Mr. Sanjeev Sabharwal, APP for State in CRL.M.C.
2622/2018
SI Anurag Tyagi, PS Sarai Rohilla

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

27.07.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioners in Crl.M.C.2609/2018 seek quashing of FIR

No.282/2013, under Sections 498A/406/34 IPC, Police Station Sarai Rohilla and the petitioners in Crl.M.C.2622/2018 seek quashing of FIR No.30/2013 under Sections 323/341/354/506/34 IPC, PS Sarojini Nagar.

2. The subject FIR emanates out of a matrimonial discord.

3. Learned counsel for the petitioners submits that the parties have settled their disputes before the Counselling Cell, Dwarka Court on 15.07.2017. The parties have already been divorced by way of a decree of divorce by mutual consent, passed on 13.03.2018.

4. Respondent No.2 was to be paid a total sum of Rs. 15,00,000/-, in full and final settlement of all her claims. A sum of Rs. 10,00,000/- has already been paid. The balance sum of Rs.5,00,000/- has been paid to respondent No.2 by way of demand draft No.689267 dated 17.07.2018 drawn on State Bank of India.

5. As per the settlement, the permanent custody of the minor child born out of the wedlock is to remain with the respondent No.2. The petitioners, who are present in Court in person, undertake that they shall not claim any rights contrary to the settlement agreement between the parties. The undertaking is accepted.

6. Respondent No.2 is present in person, represented by counsel and is identified by the Investigating Officer. She submits that she

has settled her disputes with the petitioners and does not wish to press charges against the petitioners and prosecute the complaint any further.

7. In view of the fact that the proceedings emanate out of a matrimonial discord and the parties have fully and finally settled their disputes and the respondent No.2 has stated that she does not wish to press the complaint any further and the fact that the parties have already been divorced by way of a decree of divorce by mutual consent, passed on 13.03.2018, 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 there from.

8. In view of the above, the petition is allowed. FIR No.282/2013, under Sections 498A/406/34 IPC, Police Station Sarai Rohilla and FIR No.30/2013 under Sections 323/341/354/506/34 IPC, PS Sarojini Nagar and the consequent proceedings emanating there from are quashed.

9. Order *Dasti* under the signatures of the Court Master.

JULY 27, 2018/st

SANJEEV SACHDEVA, J