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

+ **CRL.M.C. 2304/2018**

DAN SINGH GARBYAL & ORS

..... Petitioners

Through Mr. Anshul Grover, Adv. for P-
1,2,3,4,7 & 8

versus

STATE & ANR

..... Respondents

Through Mr. Mukesh Kumar, Addl. PP for the
State with SI Rahul Sagar
Mr. Rakesh Pal Singh, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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28.05.2018

Crl. M.A. No. 8183/2018 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 2304/2018

1. It is noticed that the petitioner - Ms. Norati Rounkali is impleaded as petitioner no. 6 who is stated to be the deceased on the ground that she was a co-accused in the FIR. Since petitioner no. 6 has already expired, she is not a necessary party, hence she is deleted from the array of parties.

2. Request of exemption has been made on behalf of petitioner no. 5 – Mrs. Rukmani Garbyal @ Roopa Devi on the ground that she is not well as she has been advised best rest. Medical certificate of

Medical Officer, MOIC, S.A.D. Sathigaon, Pithoragarh has been produced. The same is taken on record. In view of the same, petitioner no. 5 is granted exemption from personal appearance.

3. The petitioners seek quashing of FIR No. 97 of 2011 under Sections 498A/406/34 of the IPC read with Section 4 of the Dowry Prohibition Act, registered at Police Station Seema Puri, New Delhi, based on a settlement. It is contended that the FIR was lodged consequent to a matrimonial discord.

4. 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 13.01.2016 has been passed. It is further submitted on behalf of the parties that parties had entered into a compromise dated 15.07.2014 read with settlement before the Delhi Mediation Centre, Karkardooma Courts, New Delhi on 25.10.2012. As per the settlement, the property bearing No. B-60, S-I, Third Floor, Dilshad Colony, Delhi-110095 has been transferred to respondent no. 2.

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.

6. In view of the fact that the disputes between the petitioners 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. 97 of 2011 under Sections 498A/406/34 of the IPC read with Section 4 of the Dowry Prohibition Act, registered at Police Station Seema Puri, New Delhi and the consequent proceedings there from are, accordingly quashed.

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

SANJEEV SACHDEVA, J

MAY 28, 2018

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