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

+ **CRL.M.C. 2248/2018**

AMIT KUMAR SHARMA

..... Petitioner

Through: Mr. Kamal Katyan, Adv.

versus

STATE & ANR

..... Respondents

Through: Mr. Arun Kr. Sharma, Addl. PP for
the State with SI Sanjay Singh
Mr. S. Raj, Adv. for R-2 with R-2 in
person

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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01.05.2018

Crl. M.A. No. 7998/2018 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 2248/2018

1. The petitioner seeks quashing of FIR No. 18 of 2008 under Sections 498A/406/34 of the IPC Police Station Ambedkar Nagar, New 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 have amicably dissolved their marriage by mutual consent and decree of divorce dated 29.09.2012 has been

passed. It is further submitted on behalf of the parties that parties had entered into the settlement before the Delhi Mediation Centre, Saket Courts, Delhi on 06.07.2017. As per the settlement, a total sum of Rs. 7.50 lakhs has been agreed to be paid to respondent no. 2. The entire sum of Rs. 7.50 lakhs has already been paid to respondent no. 2.

3. 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 petitioner and is agreeable to the settlement and does not wish to press the criminal charges against the petitioner any further.

4. It is submitted that the custody of the child is with respondent no. 2. The petitioner who is present in Court in person undertakes that the he shall not claim any right contrary to the settlement terms. The Undertaking is accepted.

5. 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.

6. In view of the above, the petition is allowed. FIR No. 18 of 2008 under Sections 498A/406/34 of the IPC Police Station

Ambedkar Nagar, New Delhi and the consequent proceedings therefrom are, accordingly quashed.

7. Order Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

MAY 01, 2018

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