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

+ **CRL.M.C. 2290/2018**

NAVEEN KUMAR

..... Petitioner

Through Mr. Pranesh, Advocate with petitioner
in person.

versus

THE STATE & ANR

..... Respondents

Through Mr. Akshai Malik, APP for the State.
Respondent No.2 in person.
ASI Suhil Kumar, PS Tilak Nagar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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01.05.2018

Crl.M.A.8129/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 2290/2018

1. The petitioner seeks quashing of FIR No.316/2016 under Sections 498-A/406/34 IPC, Police Station Tilak Nagar.
2. The subject FIR emanates out of matrimonial discord. Petitioner is the husband of respondent No.2. Though there are other co-accused named in the FIR, it is stated by the learned counsel for the petitioner that, in the revision petition, the other co-accused apart from the petitioner have been deleted from the subject FIR.
3. Learned counsel for the petitioner submits that the disputes

between the parties have been settled and the settlement terms have been recorded during the time of grant of divorce. The parties have already been divorced by way of a decree of divorce by mutual consent, passed on 05.03.2018.

4. The respondent No.2 was to be paid a total sum of Rs. 1,00,00,000/- (One Crore) in full and final settlement of all her claims. A sum of Rs.70,00,000/- (Seventy Lakhs) has already been paid. The balance sum of Rs.30,00,000/- (Thirty Lakhs) has been paid to the respondent No.2 by way of Demand Draft No.670268 dated 01.05.2018 drawn on Kotak Mahindra Bank.

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 petitioner, who is present in Court in person, undertakes that he shall not claim any rights contrary to the settlement terms, as recorded during the time of grant of divorce, between the parties. The undertaking is accepted.

6. The respondent No.2 is present in person and is identified by the Investigating Officer. She submits that she has settled her disputes with the petitioner and does not wish to press charges against the petitioner 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 05.03.2018, 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 therefrom.

8. In view of the above, FIR No.316/2016 under Sections 498-A/406/34 IPC, Police Station Tilak Nagar and the consequent proceedings emanating there from are quashed.

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

SANJEEV SACHDEVA, J

MAY 01, 2018
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