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

+ **CRL.M.C. 2156/2018**

SURENDRA GULATI & ANR Petitioners

Through: Mr. R.K. Ahuja, Adv.

versus

THE STATE (GOVT OF NCT OF DELHI) & ANR..... Respondents

Through: Mr. Mukesh Kumar, APP
SI Satbir Singh, PS Tilak Nagar
Mr. Ankur Dixit, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **25.04.2018**

1. The petitioners seek quashing of FIR No.957/2004 under Sections 498-A/406/34 IPC, Police Station Tilak Nagar.

2. The subject FIR emanates out of matrimonial discord. Petitioner No.1 is the husband of respondent No.2. Petitioner No.2 is the father-in-law of the respondent No.2.

3. Learned counsel for the petitioners submits that the disputes between the parties have been settled before the Counselling Cell, Principal Judge, Tis Hazari on 08.04.2016. The parties have already been divorced by way of a decree of divorce by mutual consent, passed on 02.06.2017.

4. The respondent No.2 was to be paid a total sum of Rs.6,50,000/- in full and final settlement of all her claims. A sum of Rs.4,50,000/- has already been paid. The balance sum of Rs.2,00,000/- has been paid to the respondent No.2 by way of demand draft No.402186 dated 30.01.2018 drawn on United 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 petitioner, who is present in Court in person, undertakes that he shall not claim any rights contrary to the settlement agreement between the parties. The undertaking is accepted.

6. The 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 02.06.2017, 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. 957/2004 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

APRIL 25, 2018
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