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

+ **CRL.M.C. 2184/2018**

BHASKAR WAHAL & ORS

..... Petitioners

Through : Mr Vivek Vidyarthi and Mr Suvigya
Vidyarthi, Advocates.

versus

STATE & ANR

..... Respondent

Through : Mr Varun Mehlanut, Advocate for the
complainant.
Mr Mukesh Kumar, APP.
ASI Joginder Singh, PS Bharat Nagar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **26.04.2018**

Crl. M.A.7761/2018(exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 2184/2018

1. Petitioners seek quashing of FIR No.166/2017, under Sections 498A/406/34 IPC, Police Station Bharat Nagar, based on a Settlement.

2. Learned counsel for the petitioners prays for exemption for personal appearance of the petitioner No.3, who is the mother of

petitioner No.1. It is submitted that on account of her age and illness, she could not be present in the Court today.

3. In view of the above, petitioner No.3 is granted exemption from personal appearance.

4. Subject FIR emanates out of a matrimonial discord. Petitioner No.1 is the husband of respondent No.2. Petitioner Nos.2 & 3 are the parents of petitioner No.1.

5. Parties have settled their dispute. The Memorandum of Understanding dated 15.02.2018 has been executed between the parties.

6. By way of settlement, a total sum of Rs.36,00,000/- was agreed to be paid to respondent No.2 towards full and final settlement of all her claims. A sum of Rs.27,00,000/- has already been paid. A gold chain as well as the balance amount of Rs.9,00,000/- by way of Demand Draft bearing No.002454 dated 23.04.2018 issued by the HDFC Bank, Baner Branch, Pune, has been handed over, which is accepted by respondent No.2 in the Court today.

7. As per the Settlement, respondent No.2 was to return a cheque. A cheque bearing No.000106 in the sum of Rs.9 lakhs has been handed over to the petitioner in Court today.

8. Respondent No.2 is present in Court in person, represented by counsel and is identified by the Investigating Officer. She confirms that the settlement has taken place and further submits that the

marriage between the parties has been dissolved by way of decree of divorce by mutual consent on 11.04.2018. She also submits that she does not wish to press her complaint any further.

9. In view of the above and keeping in view of the fact that the FIR emanates from matrimonial discord and the parties have resolved their dispute through the Memorandum of Understanding dated 15.02.2018, which has been executed between the parties and respondent No. 2 does not wish to press her complaint, 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.

10. Accordingly, FIR No.166/2017, under Sections 498A/406/34 IPC, Police Station Bharat Nagar and the consequent proceedings emanating therefrom are hereby quashed.

11. Order Dasti under signatures of Court Master.

SANJEEV SACHDEVA, J

APRIL 26, 2018

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