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

+ **CRL.M.C. 2212/2018**

HIMANSHU DHALL Petitioner

Through Mr. C.M. Grover, Advocate.

versus

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

Through Ms. Neelam Sharma, APP for the
State.

Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **27.04.2018**

Crl.M.A.7864/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 2212/2018

1. The petitioner seeks quashing of FIR No.665/2013 under Sections 498A/406/34 IPC, Police Station New Ashok Nagar.

2. The subject FIR emanates out of matrimonial discord. Petitioner is the husband of respondent No.2.

3. Learned counsel for the petitioner submits that the parties have entered into a settlement agreement dated 06.07.2017 through the process of mediation, held at Delhi Mediation Centre, Karkardooma Courts, Delhi. The parties have already been divorced by way of a

decree of divorce by mutual consent, passed on 07.03.2018.

4. The respondent No.2 was to be paid a total sum of Rs.12,00,000/- in full and final settlement of all her claims. A sum of Rs.8,00,000/- has already been paid. The balance sum of Rs.4,00,000/- has been paid to the respondent No.2 by way of Demand Draft No.512061 dated 26.04.2018 drawn on ICICI Bank. The respondent No.2 undertakes that the amount of Rs.4,00,000/- that she has received today shall be deposited in a PPF Account in the name of the minor son under her guardianship for the period of 15 years. The undertaking is accepted.

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. 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 07.03.2018, 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.665/2013 under Sections 498A/406/34 IPC, Police Station New Ashok Nagar and the consequent proceedings emanating there from are quashed.

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

SANJEEV SACHDEVA, J

APRIL 27, 2018
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