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

+ **CRL.M.C. 2225/2018**

KISHAN & ORS

..... Petitioners

Through : Ms Dipika Saxena, Advocate.

versus

STATE (DELHI ADMN) & ANR

..... Respondents

Through : Mr G.M.Farooqui, APP.

SI Ranbir Singh, PS Nangloi.

Mr Anubhav Mehrotra, Advocate
with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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27.04.2018

1. Petitioners seek quashing of FIR No.299/2012, under Sections 498A/406/34 IPC, Police Station Nangloi, based on a Settlement.
2. Subject FIR emanates out of a matrimonial discord. Petitioner No.1 is the husband of respondent No.2. Petitioner No.2 is the brother-in-law of petitioner No.1. Petitioner Nos.3 to 5 are the sisters of petitioner No.1.
3. Parties have settled their dispute. Settlement Agreement dated 01.11.2014 has been executed between the parties and the Terms of Settlement have been recorded before the Counselling Cell, Tis Hazari Courts, Delhi.

4. By way of settlement, a total sum of Rs.1,60,000/- was agreed to be paid to respondent No.2 towards full and final settlement of all her claims. A sum of Rs.1 lakh has already been paid and balance amount of Rs.60,000/- has been paid by way of Demand Draft bearing No.743246 dated 20.04.2018 issued by the Punjab National Bank, Nangloi Branch, which is accepted in the Court today.

5. It is submitted by learned counsel for the parties that there is another FIR being FIR No.319/2013 under Section 354A IPC, which has been registered on the complaint of respondent No.2

6. As per the Settlement, minor child of the parties is in the permanent custody of the respondent No.2.

7. The petitioners, who are present in Court in person, undertake that they shall not claim any right contrary to the Settlement Terms. Respondent No.2, who is also present in Court in person, undertakes that she has no objection to the quashing of the other FIR being FIR No.319/2013 under Section 354A IPC and that the statement shall be made before the Court as and when quashing petition of FIR No.319/2013 is listed.

8. The respective undertakings are accepted.

9. 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 09.12.2015. She also submits that she does not wish to press her complaint any further in this petition and she does not have objection to the quashing of another FIR No.319/2013.

10. 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 a Settlement Agreement dated 01.11.2014 and the Settlement Terms have been recorded before the Counselling Cell, Tis Hazari Courts, Delhi, 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.

11. Accordingly, FIR No.299/2012, under Sections 498A/406/34 IPC, Police Station Nangloi and the consequent proceedings emanating therefrom are hereby quashed.

12. Order Dasti under signatures of Court Master.

SANJEEV SACHDEVA, J

APRIL 27, 2018

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