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

+ **CRL.M.C. 2246/2018**

HARVINDER SINGH & ANR

..... Petitioners

Through: Mr. Prag Chawla and Mr. C.R. Jafar,
Advvs.

versus

STATE & ANR

..... Respondents

Through: Mr. Arun Kr. Sharma, Addl. PP for
the State with SI Satbir

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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01.05.2018

Crl. M.A. No. 7988/2018 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 2246/2018

1. The petitioner seeks quashing of FIR No. 757 of 2013 under Sections 498A/406/323/34 of the IPC Police Station Tilak Nagar, New Delhi. It is contended that the FIR was lodged consequent to a matrimonial discord.

2. Learned counsels for the parties submit that the parties have settled their disputes and have amicably dissolved their marriage by mutual consent and decree of divorce dated 25.01.2018 has been passed. It is further submitted on behalf of the parties that parties had entered into the settlement before the Principal Judge, Family Courts,

Tis Hazari Courts, Delhi on 13.07.2017. As per the settlement, a total sum of Rs. 3 lakhs has been agreed to be paid to respondent no. 2. A sum of Rs. 2 lakhs has already been paid and the balance sum of Rs. 1,00,000/- has been paid to respondent no. 2 by way of Demand Draft No. 689688 dated 13.02.2018 issued by Bank of India, today in the Court.

3. Respondent no. 2 is present in court in person and is identified by the Investigating Officer. She submits that she has settled the dispute with the petitioners and is agreeable to the settlement and does not wish to press the criminal charges against the petitioners any further.

4. It is submitted that the custody of the child is with respondent no. 2. The petitioner who is present in Court in person undertakes that the he shall not claim any right contrary to the settlement terms. The Undertaking is accepted.

5. In view of the fact that the disputes between the petitioners and respondent no. 2 emanate out of a matrimonial discord and have been settled, 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.

6. In view of the above, the petition is allowed. FIR No. 757 of

2013 under Sections 498A/406/323/34 of the IPC Police Station Tilak Nagar, New Delhi and the consequent proceedings therefrom are, accordingly quashed.

7. Order Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

MAY 01, 2018

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