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

+ CRL.M.C. 2302/2018

GAURAV GUPTA @ GAURAV KUMAR
GUPTA & ORS

..... Petitioners

Through Mr. Jai Gopal, Adv.

versus

THE STATE OF DELHI & ANR

..... Respondents

Through Ms. Neelam Sharma, Addl. PP for the
State
Mr. Kailash Ray, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **23.05.2018**

1. The petitioners seek quashing of FIR No. 133 of 2017 under Sections 498A/406/34 of the IPC Police Station Prashant Vihar, 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 17.02.2018 has been passed. It is further submitted on behalf of the parties that parties had entered into the settlement before the Delhi Mediation Centre, Rohini Courts, Delhi on 09.05.2017 and supplementary settlement dated 06.06.2017. As per the settlement, it is agreed between the parties that the permanent custody of the minor child shall remain with respondent no. 2. It is further agreed that property bearing No. 902, (admeasuring 1075 sq. ft.), Sector-121, Noida (UP) shall be sole and exclusive property of respondent no. 2. The petitioners who are present in Court in person undertake that they shall not

claim any right contrary to the settlement terms. The Undertaking is accepted.

3. The parties further submit that all the obligations as agreed to between the parties has been duly performed and the payment of Rs. 21 lakhs by respondent no. 2 to the bank has been made.

4. Respondent no. 2 is present in court in person and represented by her counsel. 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.

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. 133 of 2017 under Sections 498A/406/34 of the IPC Police Station Prashant Vihar, Delhi and the consequent proceedings therefrom are, accordingly quashed.

7. Order Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

MAY 23, 2018

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