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

+ **CRL.M.C. 2405/2018**

ASHWANI KUMAR & ANR

..... Petitioners

Through : Mr Niraj Kumar Mishra, Advocate
with petitioners in person.

versus

STATE (GOVT OF NCT DELHI) & ANR Respondents

Through : Mr Akshai Malik, Addl. PP for the
State.

Mr Adarsh Tiwari, Advocate with
R-2 in person.

ASI Hawa Singh, PS Nihal Vihar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **07.05.2018**

Crl. M.A. 8578/2018(exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 2405/2018

1. Petitioners seek quashing of FIR No.348/2013 under Sections 406/498A/34 IPC, Police Station Nihal Vihar, Delhi, based on a Settlement.

2. Subject FIR emanates out of a matrimonial discord. Petitioner No.1 is the husband of respondent No.2.

3. Parties have settled their dispute. Compromise-cum-Settlement Deed dated 03.01.2015 has been executed between the parties in which Terms of Settlement were recorded.

4. By way of settlement, a total sum of Rs.4,00,000/- was agreed to be paid to respondent No.2 towards full and final settlement of all her claims. The entire amount of Rs.4 lakhs has already been paid, which is confirmed by respondent No.2, who is present in Court in person.

5. Respondent No.2 is present in Court in person, represented by counsel and is identified by the Investigating Officer. She confirms that 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 15.07.2015. She also submits that she does not wish to press her complaint any further.

6. 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 Compromise-cum-Settlement Deed dated 03.01.2015, which has been executed between the parties and further 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.

7. Accordingly, FIR No.348/2013 under Sections 406/498A/34 IPC, Police Station Nihal Vihar, Delhi and the consequent proceedings emanating therefrom are hereby quashed.

8. Order Dasti under signatures of Court Master.

SANJEEV SACHDEVA, J

MAY 07, 2018

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