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

+ **CRL.M.C. 2545/2018**

MANISH TOMAR & ORS

..... Petitioner

Through Mr. Rajiv Khosla, Mr. Prince Gupta,
Ms. Anu Sharma and Ms. Anju
Bharti, Advs.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through Mr. Akshai Malik, Addl. PP for the
State with SI Sumit
Mr. Neeraj Chaudhary, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER
28.05.2018

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1. The petitioners seek quashing of FIR No. 373 of 2016 under Sections 498A/406/34 of the IPC Police Station Uttam Nagar, New Delhi, based on a settlement. It is contended that the FIR was lodged consequent to a matrimonial discord.

2. Petitioner no. 1 was married to respondent no. 2. Petitioner no. 4 is sister of petitioner no. 1 petitioner no. 3 is husband of petitioner no. 4. One of the co-accused i.e. brother of petitioner no. 1 was impleaded as respondent no. 3. Notice was directed to be issued to respondent no. 3. However, office report was not received.

3. Learned counsels for the petitioner as well as respondent no. 2 submit that the parties have settled their disputes and have amicably

dissolved their marriage by mutual consent and decree of divorce dated 23.04.2018 has been passed. It is further submitted on behalf of the parties that parties had entered into the settlement and settlement deed dated 25.09.2017 has been executed. As per the settlement, a total sum of Rs.20 lakhs has been agreed to be paid to respondent no. 2. A sum of Rs. 15 lakhs has already been paid and the balance sum of Rs. 5 lakhs has already been deposited with the trial court on 23.04.2018.

4. Learned counsel for the petitioner relies on decision of the Supreme Court dated 10.04.2017 in CrI. Appeal No. 670/2017 titled as '*Lovely Salhotra & Anr. Vs. State NCT of Delhi & Anr.*' to contend that part quashing of an FIR is permissible.

5. Respondent no. 2 is present in court in person and is identified by the Investigating Officer. She submits that she has settled all her disputes with the petitioners and is agreeable to the settlement and does not wish to press the criminal charges either against the petitioners or respondent no. 3 any further and she has no objection to the quashing of the FIR.

6. 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.

7. In view of the above, the petition is allowed. FIR No. 373 of 2016 under Sections 498A/406/34 of the IPC Police Station Uttam Nagar, New Delhi and the consequent proceedings there from, qua the petitioners, are accordingly quashed.

8. Trial court is directed to release the Banker's cheque of Rs. 5,00,000/- to respondent no. 2.

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

SANJEEV SACHDEVA, J

MAY 28, 2018

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