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

+ **CRL.M.C. 2595/2018**

RAJ KUMAR & ANR Petitioners

Through **Mr. Amarjeet Kumar, Advocate.**

versus

STATE (NCT OF DELHI) & ANR Respondent

Through **Mr. Arun Kumar Sharma, APP for the State.**

Mr. D.B. Yadav with Ms. Pragya Verma, Advocates for R-2.

SI Pushpendra, PS Bara Hindu Rao.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% 15.05.2018

Crl.M.A.9213/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 2595/2018

1. The petitioners seek quashing of FIR No.139/2006 under Sections 498-A/34 IPC, Police Station Bara Hindu Rao, based on a settlement. Subsequently, Section 174A IPC was added.

2. The subject FIR emanates out of matrimonial discord. Petitioner No.1 is the husband of respondent No.2. Petitioner No.2 is the mother-in-law of the respondent No.2.

3. Learned counsel for the petitioners submits that the parties have

settled their disputes and the settlement terms have been recorded before the Family Court, Tis Hazari on 14.03.2018. The parties have already been divorced by way of a decree of divorce by mutual consent, passed on 21.03.2018.

4. The respondent No.2 was to be paid a total sum of Rs.8,10,000/- in full and final settlement of all her claims. A sum of Rs.6,00,000/- has already been paid. The balance sum of Rs.2,10,000/- has been paid today in Court. Out of the balance sum of Rs.2,10,000, the sum of Rs.1,00,000/- has been paid by way of a cheque bearing No.336793 dated 15.05.2018 drawn on Syndicate Bank in the name of the respondent No.2 and the balance amount of Rs.1,10,000/- has been paid by way of a cheque bearing No.336796 dated 15.05.2018 drawn on Syndicate Bank in the name of the minor child. The petitioner undertakes that the cheques shall be honoured on their presentation. The undertaking is accepted.

5. As per the settlement, the permanent custody of the minor child born out of the wedlock is to remain with the respondent No.2. The petitioner No.1, who is present in Court in person, undertakes that he shall not claim any rights contrary to the settlement agreement between the parties. The undertaking is accepted.

6. The respondent No.2 is present in person, represented by counsel and is identified by the Investigating Officer. She submits that she has settled her disputes with the petitioners and does not wish to press charges against the petitioners and prosecute the complaint

any further.

7. In view of the fact that the proceedings emanate out of a matrimonial discord and the parties have fully and finally settled their disputes and the respondent No.2 has stated that she does not wish to press the complaint any further and the fact that the parties have already been divorced by way of a decree of divorce by mutual consent, passed on 21.03.2018, 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.

8. Accordingly, the petition is allowed. FIR No.139/2006 under Sections 498-A/34 IPC, Police Station Bara Hindu Rao and the consequent proceedings emanating there from are quashed, subject to the petitioners depositing costs of Rs.10,000/-, to be paid to the “*Delhi High Court Advocates Welfare Trust*”, within a period of three weeks from today. Receipt of deposit of the costs imposed by this order be furnished to the concerned Investigating Officer within a period of four weeks from today.

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

SANJEEV SACHDEVA, J

MAY 15, 2018
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