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

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Judgment delivered on: 20.07.2018

+ CRL.M.C. 2597/2018

ASHWANI KUMAR TIWARI

..... Petitioner

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Sushant Bali, Advocate

For the Respondents: Mr. Raghuvinder Verma, APP for the State.
ASI Suresh Kumar, PS New Usman Pur.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

20.07.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner seeks quashing of FIR No.167/2013 under Sections 498A/406/34 IPC & Section 4 of Dowry Prohibition Act, Police Station New Usman Pur.

2. The subject FIR emanates out of matrimonial discord. Petitioner is the husband of respondent No.2.

3. Learned counsel for the petitioner submits that the disputes

between the parties have been settled and the settlement agreement dated 01.11.2017 has been executed before the Counselling Cell, Family Court, Karkardooma Courts. The parties have already been divorced by way of a decree of divorce by mutual consent, passed on 20.02.2018.

4. The respondent No.2 was to be paid a total sum of Rs.3,25,000/-. A sum of Rs.2,25,000/- has already been paid. The balance sum of Rs.1,00,000/- has been paid to the respondent No.2 by way of Demand Draft No.088744 dated 04.07.2018 drawn on State Bank of India.

5. 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 petitioner and does not wish to press charges against the petitioner and prosecute the complaint any further.

6. 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 20.02.2018, 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 there from.

7. In view of the above, the petition is allowed. FIR No. 167/2013 under Sections 498A/406/34 IPC & Section 4 of Dowry Prohibition Act, Police Station New Usman Pur and the consequent proceedings emanating there from are quashed.

8. Order *Dasti* under the signature of the Court Master.

SANJEEV SACHDEVA, J

JULY 20, 2018

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