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

% Judgment delivered on: 20.08.2018

+ CRL.M.C. 3124/2018

SHUBHASHISH GANGULY & ANR Petitioners

versus

THE STATE & ANR Respondents

Advocates who appeared in this case:

For the Petitioner : Ms.Namita Roy and Mr. Abhijit Acharaya, Advs.

For the Respondent: Mr. Kamal Kr. Ghai, Addl. PP for the State with SI
Ashok Ahlawat
Mr. Sandeep Kaushik and Mr. Muskan Sharma,
Advocates for R-2

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

20.08.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioners seek quashing of FIR No. 377 of 2014 under Sections 498A/406/34 of the IPC registered at Police Vikas Puri, New Delhi, based on a settlement. 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 by way of a settlement before the Lok Adalat dated 11.02.2017. As per the settlement, a total sum of Rs. 15 lakhs

has been agreed to be paid to respondent no. 2. A sum of Rs. 10 lakhs has already been paid to respondent no. 2 and the balance sum of Rs. 5 lakhs in the form of Fixed Deposit Receipt has been deposited in the name of minor son of the petitioner. Original FDR has been handed over to respondent no. 2. The parties have already been divorced by way of a decree of divorce by mutual consent passed on 12.04.2018.

3. It is pointed by learned counsel for respondent No. 2 that there is a slight error in the name of the respondent no. 2 who is nominee in the FDR. Learned counsel for the petitioner, under instructions, submits that PAN number of respondent no. 2 has been given to the bank and in case there is a problem in encashment or renewal of the FDR, he undertakes to execute such documents as may be required by the bank. The undertaking is accepted.

4. It is further agreed between the parties that the custody of the minor child shall remain with respondent no. 2. The petitioner who is present in court in person undertakes that he shall not claim any right contrary to the settlement terms. The undertaking is accepted.

5. Respondent no. 2 who is present in court in person, represented by her counsel and is identified by the Investigating Officer submits that she has settled the disputes with the petitioners and is agreeable to the settlement and does not wish to press the criminal charges against the petitioners any further.

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. 377 of 2014 under Sections 498A/406/34 of the IPC registered at Police Vikas Puri, New Delhi and the consequent proceedings therefrom are, accordingly quashed.

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

AUGUST 20, 2018
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SANJEEV SACHDEVA, J