

\$~2

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

%

Judgment delivered on: 19.07.2018

+ CRL.M.C. 2712/2018

MANINDER SEHMBI

..... Petitioner

versus

THE STATE (NCT OF DELHI) & ANR Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Vikas Dudeja, Advocate with
petitioner in person.

For the Respondents: Mr. Sanjeev Sabharwal, APP for the State.
Ms. Sharmistha Mitra, Advocate for R-2.
SI Rajesh Kumar, PS Mehrauli.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

19.07.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner seeks quashing of FIR No.604/2013 under Sections 498A/406/34 IPC, Police Station Mehrauli.
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 terms have

been recorded in order dated 24.03.2017 before the Family Court. The parties have already been divorced by way of a decree of divorce by mutual consent, passed on 15.12.2017.

4. The respondent No.2 was to be paid a total sum of Rs.7,50,000/-. A sum of Rs.5,00,000/- has already been paid. The balance sum of Rs.2,50,000/- has been paid to the respondent No.2 by way of Demand Draft No.412535 dated 09.05.2018 drawn on Oriental Bank of Commerce.

5. As per the settlement, respondent No.2 is to create a Fixed Deposit in the name of the minor child under the guardianship of the respondent No.2 for the lock-in period of seven years, after which the said amount is to be credited to the account of the child.

6. The respondent No.2 is present in person, represented by counsel and is identified by the Investigating Officer. She submits that she has already created a Fixed Deposit in the name of the minor child in the sum of Rs.5,00,000/- and a fixed deposit of the balance sum of Rs.2,50,000/- will be credited in the favour of the minor child in accordance with the settlement.

7. As per the Settlement, permanent custody of the minor child is to remain with the respondent No.2. Petitioner, who is present in Court in person, undertakes that he shall not claim any rights contrary to the Settlement Terms. The undertaking is accepted.

8. Respondent No.2 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.

9. 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 15.12.2017, 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.

10. In view of the above, the petition is allowed. FIR No.604/2013 under Sections 498A/406/34 IPC, Police Station Mehrauli and the consequent proceedings emanating there from are quashed.

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

SANJEEV SACHDEVA, J

JULY 19, 2018
st