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

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Judgment delivered on: 27.07.2018

+ CRL.M.C. 2754/2018

PANKAJ SHARMA

..... Petitioner

versus

STATE OF NCT & ANR

..... Respondents

+ CRL.M.C. 2756/2018

PANKAJ SHARMA & ANR

..... Petitioners

versus

STATE OF NCT & ANR

..... Respondents

+ CRL.M.C. 2758/2018

PANKAJ SHARMA & ORS

..... Petitioners

versus

STATE OF NCT & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner :

Ms.Mumtaz Ahmed, Adv for petitioners.

For the Respondents:

Mr., Addl. PP for the State with Insp.Satinder Singh
and SI Amit Dutt, P.S.Lajpat Nagar.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

27.07.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl. M.A. No. 9802 & 9803/2018 (Exemption)

Crl. M.A. No. 9810/2018 (Exemption)

Crl. M.A. No. 9812/2018 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 2754/2018, 2756/2018 & 2758/2018

1. The petitioner in Crl.M.C.2754/2018 seek quashing of FIR No. 299 of 2015 under the Information Technology Act at Police Station Lajpat Nagar, New Delhi; petitioners in Crl.M.C.2756/2018 seek quashing of FIR No. 282 of 2013 under Sections 451/323/34 of the IPC at Police Station Lajpat Nagar, New Delhi and petitioners in Crl.M.C.2758/2018 seek quashing of FIR No. 444 of 2013 under Sections 498A/406 of the IPC at Police Station Lajpat Nagar, New Delhi, based on a settlement. It is contended that the FIRs were lodged consequent to a matrimonial discord.

2. Respondent No. 2 Complainant was married to Mr. Pankaj Sharma who is the petitioner No.1 in all the three petitions.

3. Learned counsels for the parties submit that the parties have settled their disputes and have amicably dissolved their marriage by mutual consent and decree of divorce dated 25.05.2017 has been passed. It is further submitted on behalf of the parties that parties had entered into the settlement vide Deed of Settlement dated 14.05.2016 before the Family Court, Saket, New Delhi which has been executed.

4. In Crl.M.C.2758/2018 learned counsel for the petitioners prays that petitioner Nos.2 & 3 be granted exemption from personal appearance. It is submitted that petitioner No.2 is the mother of petitioner No.1 and she is bed ridden on account of which she could not travel to Court today. Further it is stated that petitioner No.3 is the sister of petitioner No.1 and is a teacher in a school and on account of her engagement could not be present. Prayer is made for granting exemption from personal appearance. Their affidavits in support of the petitions have been filed. Accordingly, petitioner Nos.2 & 3 in Crl.M.C.2758/2018 are granted exemption from personal appearance.

5. As per the settlement, a total sum of Rs. 2,00,000/- was agreed to be paid to respondent no. 2. The amount of Rs. 1,75,000/- has already been paid to respondent no. 2. The balance amount of Rs.25,000/- has been paid in cash in Court today.

6. Learned counsel for the parties inform that the other disputes between the parties have also been resolved and proceedings have been concluded on the basis of the subject settlement.

7. As per the settlement agreement, the permanent custody of the minor child is to remain with respondent No.2. The petitioner has some visitation rights to the child. The petitioner undertakes that he shall not claim any rights contrary to the settlement terms. The undertaking is accepted.

8. Respondent no. 2 who is present in court in person is identified

by the IO. Respondent no. 2 submits that she has settled the dispute with the petitioners and is agreeable to the settlement and does not wish to press the criminal charges against the petitioners any further.

9. 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 there from.

10. In view of the above, the petitions are allowed. FIR No. 299 of 2015 under the Information Technology Act at Police Station Lajpat Nagar, New Delhi; FIR No. 282 of 2013 under Sections 451/323/34 of the IPC at Police Station Lajpat Nagar, New Delhi and FIR No. 444 of 2013 under Sections 498A/406 of the IPC at Police Station Lajpat Nagar, New Delhi, and the consequent proceedings emanating there from are, accordingly quashed.

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

SANJEEV SACHDEVA, J

JULY 27, 2018/rk