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

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Judgment delivered on:11.09.2018

+ CRL.M.C. 2804/2018

KULDEEP

..... Petitioner

versus

STATE GOVT. OF NCT OF DELHI & ANR..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr.R.K.Naveen, Adv. with Mr.Manish &
Mr.Sandeep Kumar, Advocates.

For the Respondents : Mr.Raghuvinder Verma, Addl. PP for the State
ASI Sandeep Kumar PS Najafgarh.
Mr.J.B. Malik, Adv. for R-2.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

11.09.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioners seek quashing of FIR No.356/2015 under Sections 498A/34 IPC, Police Station Najafgarh.
2. Subject FIR emanates out of matrimonial discord.
3. Learned counsel for the petitioners submits that the parties have settled their disputes through the process of mediation held before National Lok Adalat, on 09.12.2017. The parties have already been

divorced by way of a decree of divorce passed on 02.04.2018.

4. Petitioner who is present in person undertakes that he shall, on the next date before the concerned Trial Court, withdraw the case FIR 740/2014, PS Chhawla, u/s 325 IPC filed by him against the parents of respondent no.2 and has no objection to compounding/quashing of the subject offences. The undertaking is accepted.

5. It has also been agreed that the permanent custody of the minor daughter shall remain with the respondent No.2 with certain visitation rights to the petitioner. Petitioner undertakes that he shall not claim any rights contrary to the settlement terms. The undertaking is accepted.

6. 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, passed on 02.04.2018, 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. In view of the above, the petition is allowed FIR No.356/2015 under Sections 498A/34 IPC, Police Station Najafgarh and the consequent proceedings emanating there from are quashed.

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

SEPTEMBER 11, 2018
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SANJEEV SACHDEVA, J

न्यायमेव जयते