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

+ **CRL.M.C. 2987/2018**

MAHESH MALIK & ANR

..... Petitioners

Through : Mr Rakesh Kumar, Advocate.

versus

THE STATE & ANR

..... Respondents

Through : Mr Bhasker, Advocate with R-2 in
person.
SI Ajay Swami, PS M.S.Park.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **28.05.2018**

Crl. M.A. 10531/2018(exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 2987/2018

1. Petitioners seek quashing of FIR No.287/2013 under Sections 498A/406/34 IPC and Section 4 Dowry Prohibition Act, Police Station Mansarovar Park.
2. Subject FIR emanates out of a matrimonial discord. Petitioner No.1 is the husband of respondent No.2. Petitioner No.2 is the mother of petitioner No.1.
3. Parties have settled their dispute. Terms of Settlement have

been recorded in Settlement Deed dated 16.10.2015, which has been executed between the parties.

4. As per the Settlement, the minor children are to remain in custody of the respondent No.2 with limited visitation rights of the petitioner No.1.

5. Petitioner No.1 is present in Court in person. He undertakes that he shall not claim any rights contrary to the Settlement Terms. The undertaking is accepted.

6. Respondent No.2 is present in Court in person, represented by counsel and is identified by the Investigating Officer. She confirms that the settlement has taken place and further submits that the marriage between the parties has been dissolved by way of decree of divorce by mutual consent on 26.04.2016. She also submits that she does not wish to press her complaint any further.

7. In view of the above and keeping in view of the fact that the FIR emanates from matrimonial discord and the parties have resolved their dispute and Terms of Settlement have been recorded in the Settlement Deed dated 16.10.2015, which has been executed between the parties, and further respondent No. 2 does not wish to press her complaint, 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. Accordingly, FIR No.287/2013 under Sections 498A/406/34 IPC and Section 4 Dowry Prohibition Act, Police Station Mansarovar Park and the consequent proceedings emanating therefrom are hereby quashed.

9. Order Dasti under signatures of Court Master.

SANJEEV SACHDEVA, J

MAY 28, 2018

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