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

+ **CRL.M.C. 2938/2018**

**SUDESH & ANR.**

..... Petitioners

Through Mr. Jalaj Agarwal with Mr.  
Madhusudan and Mr. Rahul  
Chaudhary, Advocates.

versus

**STATE & ANR.**

..... Respondents

Through Mr. Arun Kumar Sharma, APP for  
State  
SI Ishvar Singh, PS Jaitpur.  
Ms. Shaheen Sheikh with Mr. Rahul  
Baisoya, Advocates for R-2.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV SACHDEVA**

**ORDER**

% **28.05.2018**

**Crl.M.A.10410/2018 (exemption)**

Exemption is allowed subject to all just exceptions.

**CRL.M.C. 2938/2018**

1. The petitioners seek quashing of FIR No.289/2014 under Sections 498A/406/34 IPC, Police Station Jaitpur, based on a settlement.
2. The subject FIR emanates out of matrimonial discord. Petitioner No.1 is the husband of respondent No.2. Petitioner No.2 is the sister-in-law of respondent No.2. Petitioner No.3 is the mother-in-law of the respondent No.2.
3. Learned counsel for the petitioners submits that the parties have settled their disputes before the Counselling Cell, Family Court, South East

District, Saket on 04.07.2017. The parties have already been divorced by way of a decree of divorce by mutual consent, passed on 08.02.2018.

4. The respondent No.2 was to be paid a total sum of Rs.15,00,000/-, along with the jewellery articles, in full and final settlement of all her claims. A sum of Rs.7,00,000/- has already been paid and the jewellery articles have been returned. The sum of Rs.8,00,000/- has been paid to the respondent No.2 by way of Demand Draft No.354119 dated 28.05.2018 drawn on Union Bank for Rs.6,00,000/- and Demand Draft No.354120 dated 28.05.2018 drawn on Union Bank for Rs.2,00,000/-.

5. Learned counsel for the petitioners, under instructions from the petitioners, undertakes that another sum of Rs.54,000/- being the interest component on the amount of Rs.2,00,000/- shall be paid to the respondent No.2 within a period of one week from today. The undertaking is accepted.

6. Learned counsel for the petitioners submits that Rs.2,00,000/- has already been deposited with the Trial Court as a condition of grant of bail.

7. On petitioner furnishing proof of payment of Rs.54,000/- to the respondent No.2, the Trial Court shall release the fixed deposit receipt in the sum of Rs.2,00,000/-, deposited by the petitioner as a condition for grant of bail, in favour of the petitioners.

8. As per the settlement, the permanent custody of the minor child born out of the wedlock is to remain with the respondent No.2. The petitioners, who are present in Court in person, undertake that they shall not claim any rights contrary to the settlement agreement between the parties. The undertaking is accepted.

9. The 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.

10. 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 08.02.2018, 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.

11. In view of the above, FIR No.289/2014 under Sections 498A/406/34 IPC, Police Station Jaitpur and the consequent proceedings emanating therefrom are quashed.

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

**MAY 28, 2018**  
**st**

**SANJEEV SACHDEVA, J**