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

% Judgment delivered on: 13.07.2018

+ CRL.M.C. 3026/2018

PRAVEEN JOHN

..... Petitioner

versus

STATE & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Manu Parashar, Advocate.

For the Respondents: Mr. Raghuvinder Verma, APP for the State.

ASI Yag Dutt, PS KNK Marg.

Mr. Sumeet Anand, Advocate for R-2.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

13.07.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A.12475/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 3026/2018 & Crl.M.A.12474/2018 (for amendment of the petition)

1. On the oral prayer of the petitioner, the mother-in-law of the complainant is added as a petitioner. Amended memo of parties and

amended petition are taken on record.

2. The petitioners seek quashing of FIR No.1188/2014 under Sections 498A/406/34 IPC, Police Station K.N. Katju Marg.

3. The subject FIR emanates out of matrimonial discord. Petitioner No.1 is the husband of respondent No.2. Petitioner No.2 is the mother-in-law of the respondent No.2.

4. Learned counsel for the petitioner submits that the parties have settled their disputes and a Memorandum of Settlement dated 09.02.2017 has been executed between the parties. Parties inform that the parties have already initiated steps for taking divorce under Section 10A of the Divorce Act and the First Motion Petition already stands allowed. The parties undertake that they shall be duly applying for Second Motion for grant of divorce.

5. Respondent No.2 was to be paid a total sum of Rs.6,50,000/-, besides some articles and LIC certificates, in full and final settlement of all her claims. A sum of Rs.2,00,000/- has already been paid at the time of the First Motion. A sum of Rs.2,00,000/- has been paid to the respondent No.2 by way of Pay Order No.155213 dated 05.05.2018 drawn on State Bank of India. A gold ring has also been handed over to the respondent No.2 in Court today.

6. Petitioner, who appears in person, undertakes that the balance sum of Rs.2,50,000/- as well as LIC documents shall be handed over

to the respondent No.2 at the time of the Second Motion.

7. Learned counsel for the parties inform that that a *Scooty*, which was to be handed over to the respondent No.2, is lying a parking lot at the earlier residential address of the petitioner No.1 in Bangalore.

8. Respondent No.2 submits that as per her information, the *Scooty* has been attached by the State Bank of India and she shall be approaching the State Bank of India for release of the *Scooty*. The petitioner, submits that the *Scooty* was not hypothecated or attached by the Bank. However, he has no objection to the respondent No.2 going and collecting the *Scooty* and approaching the Bank for release of the *Scooty*. He undertakes to provide any documentation or 'no objection' to respondent No.2, for the said purpose, if required. The undertaking is accepted.

9. 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, 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.

11. In view of the above, the petition is allowed. FIR No.1188/2014 under Sections 498A/406/34 IPC, Police Station K.N. Katju Marg and the consequent proceedings emanating there from are quashed.

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

JULY 13, 2018
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SANJEEV SACHDEVA, J

नस्यमेव जयते