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

+ **CRL.M.C. 3099/2018**

KULDEEP DABAS

..... Petitioner

Through : Ms Rakhi Gupta, Advocate.

versus

STATE & ANR.

..... Respondents

Through : Mr Mukesh Kumar, APP.
Mr Narender Singh, Advocate for
R-2.
SI Karamvir, PS Narela.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **30.05.2018**

Crl. M.A. 10867/2018(exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 3099/2018

1. Petitioner seeks quashing of FIR No.640/2013, under Sections 498A/406/34 IPC, Police Station Narela, based on a Settlement.
2. Subject FIR emanates out of a matrimonial discord. Petitioner is the husband of respondent No.2.
3. Parties have settled their dispute. The Memorandum of Understanding dated 30.01.2017 has been executed between the

parties.

4. By way of settlement, a total sum of Rs.13,15,000/- was agreed to be paid to respondent No.2 towards full and final settlement of all her claims. A sum of Rs.9,20,000/- has already been paid and balance amount of Rs.3,95,000/- is payable.

5. Respondent No.2 is present in Court in person, is represented by counsel and 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 17.04.2018. She also submits that she does not wish to press her complaint any further. She undertakes that she will give her statement for quashing of the other FIRs. Her undertaking is accepted.

6. Learned counsel for the petitioner has produced the balance amount by way of a Demand Draft bearing No. 540861 dated 05.09.2018 for a sum of Rs. 3,95,000/- issued by Syndicate Bank in favour of respondent no. 2 and prays that the said Demand Draft be kept in the custody of the Court to be released to respondent no. 2 at the time when quashing of FIR No. 167/2017 in W.P. (Crl.) 1686/2018 and FIR No. 166/2017 in W.P. (Crl.) 1742/2018 takes place.

7. Accordingly, the said DD is directed to be kept in a sealed cover in the custody of the concerned Dy. Registrar to be released to respondent no. 2 at the time of quashing of the FIR No. 167/2017 in

W.P. (CrI.) 1686/2018 and FIR No. 166/2017 in W.P. (CrI.) 1742/2018, which petitions are stated to be listed on 20.07.2018.

8. 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 the Memorandum of Understanding dated 30.01.2017 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 there from.

9. Accordingly, FIR No.640/2013, under Sections 498A/406/34 IPC, Police Station Narela and the consequent proceedings emanating there from are hereby quashed.

10. Order Dasti under signatures of Court Master.

SANJEEV SACHDEVA, J

MAY 30, 2018

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