

\$~27

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2974/2018**

KAMAL KISHORE Petitioner

Through : Mr Chandan Malik, Advocate with
petitioner in person.

versus

THE STATE (NCT OF DELHI) & ANR Respondent

Through : Mr. Arun Kumar Sharma APP
Insp Sandeep Sharma, PS V.K.North.
Mr Rajdeep Panda and Ms Sanjam
Chawla, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

%

28.05.2018

Crl. M.A. 10499/2018(exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 2974/2018

1. Petitioner seeks quashing of FIR No.246/2002, under Sections 498A/406/34 IPC, Police Station Vasant Kunj, 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. Memorandum of Settlement

dated 14.09.2017 has been executed between the parties before the Mediation Centre, Saket Courts, New Delhi.

4. As per the Settlement, petitioner was to transfer Flat bearing No.C-9/9159, Vasant Kunj, New Delhi, in the joint name of respondent No.2 as well as children of the parties as also to the transfer certain shares.

5. Learned counsel for the petitioner submits that subject Flat has already been transferred and the applications/papers have been executed for transfer of the shares.

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 14.05.2018. 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 Memorandum of Settlement dated 14.09.2017 has been executed between the parties before the Mediation Centre, Saket Courts, New Delhi and the subject Flat has already been transferred by the petitioner in the joint name of respondent No.2 and children of the party and the applications/papers have been executed for transfer of the shares 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.246/2002, under Sections 498A/406/34 IPC, Police Station Vasant Kunj and the consequent proceedings emanating therefrom are hereby quashed.

9. Order Dasti under signatures of Court Master.

SANJEEV SACHDEVA, J

MAY 28, 2018

‘Sn’