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

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Judgment delivered on: 24.08.2018

+ CRL.M.C. 4258/2018

AVINASH CHAND & ORS

..... Petitioners

versus

THE STATE & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Ms. Mandakini, Adv.

For the Respondent: Mr. Raghuvinder Verma, Addl. PP for the State
with SI Renu Meena
Mr. Lalit Gaur, Adv. for R-2

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

24.08.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl. M.A. 30549/2018 (Exemption)

Exemption is allowed subject to all just exceptions.

Crl. M.A. 30550/2018 (condonation of delay)

For the reasons stated in the application, the delay in re-filing the petition is condoned. The application is disposed of.

CRL.M.C. 4258/2018

1. The petitioners seek quashing of FIR No. 445 of 2016 under Sections 498A/406/34 of the IPC registered at Police Station South Rohini,

Delhi, based on a settlement. It is contended that the FIR was lodged consequent to a matrimonial discord.

2. Learned counsel for petitioners prays for exemption from personal appearance on behalf of petitioner no. 3 to 6. Petitioner no. 3 is mother of petitioner no. 1. Petitioner no. 4 to 6 are sisters of petitioner no. 1. It is submitted that petitioner no. 3 could not be present on account of her age and ill-health. Learned Counsel further submits that petitioner no. 4 to 6 could not be present on account of their personal difficulty and prays for exemption from personal appearance on their behalf. In view of the explanation given, petitioner no. 3 to 6 are granted exemption from their personal appearance.

3. Learned counsels for the parties submit that the parties have settled their disputes and have amicably dissolved their marriage by mutual consent and decree of divorce dated 24.04.2018 has been passed. It is also submitted that the settlement before Delhi Mediation Centre, Rohini Court, Delhi been executed between the parties on 17.04.2017. Copy of the same has been produced and the same is taken on record.

4. As per the settlement, a total sum of Rs. 7 lakhs has been agreed to be paid to respondent no. 2. A sum of Rs. 5,50,000/- has already been paid to respondent no. 2 and the balance sum of Rs. 1,50,000/-, by way of Bankers Cheque/Pay Order No. 240370 dated 19.07.2018 issued by State Bank of India, has been paid to respondent no. 2 today in Court.

5. Respondent no. 2 who is present in court in person, represented by her counsel and is identified by the Investigating Officer. She has filed her

affidavit along with the identity proof in Court. The same is taken on record. Respondent no. 2 submits that she has settled the dispute with the petitioners and is agreeable to the settlement and does not wish to press the criminal charges against the petitioners any further.

6. In view of the fact that the disputes between the petitioners and respondent no. 2 emanate out of a matrimonial discord and have been settled, 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.

7. In view of the above, the petition is allowed. FIR No. 445 of 2016 under Sections 498A/406/34 of the IPC registered at Police Station South Rohini, Delhi, and the consequent proceedings emanating therefrom are, accordingly quashed.

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

AUGUST 24, 2018
‘rs’

SANJEEV SACHDEVA, J