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

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Judgment delivered on: 19.07.2018

+ CRL.M.C.3532/2018

MR.RAJAT SAHAGAL

..... Petitioner

versus

STATE & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr.V.K.Vats and Mr.R.K.Sharma, Advs.

For the Respondent: Mr.Kamal Kumar Ghai, Addl. PP for
the State with SI Imran Khan, P.S.Paschim Vihar.
Ms.Manie Ahuja, Adv.for R-2.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

19.07.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A.28013/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C.3532/2018

1. The petitioner seeks quashing of FIR No. 322 of 2009 under Sections 498A/406/34 of the IPC at Police Station Paschim Vihar, New Delhi, based on a settlement. It is contended that the FIR was lodged consequent to a matrimonial discord. Settlement terms were recorded at the time of the passing of the order on the first motion on

08.12.2016.

2. As per the settlement, a total sum of Rs. 18,00,000/- was agreed to be paid to respondent no. 2. The amount of Rs. 12,00,000/- has already been paid to respondent no. 2. The balance amount of Rs.6,00,000/- has been paid by way of Demand draft No.038354 dated 24.05.2018 drawn on HFDC Bank.

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 filed before the Family Court, Tis Hazari Courts dated 23.01.2018 has been passed. It is further submitted on behalf of the parties that parties had entered into the settlement dated 08.12.2016.

4. As per the settlement terms, the permanent custody of the minor child is with respondent No.2. The petitioner who is present in Court undertakes that he shall not claim any rights contrary to the settlement terms. The undertaking is accepted.

5. Learned counsel for the parties inform that other disputes between the parties have also been resolved and proceedings have been concluded on the basis of the subject settlement.

6. Respondent no. 2 who is present in court in person, represented by counsel, is identified by the IO. 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 criminal charges against the petitioners any further.

7. 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 there from.

8. In view of the above, the petition is allowed. FIR No. 322 of 2009 under Sections 498A/406/34 of the IPC at Police Station Paschim Vihar, New Delhi, and the consequent proceedings emanating there from are, accordingly quashed.

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

JULY 19, 2018

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SANJEEV SACHDEVA, J