

\$~2

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

%

Judgment delivered on:10.09.2018

+ CRL.M.C. 3115/2018

HONEY KUMAR & ORS

..... Petitioners

versus

STATE & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Rovin Kumar, Advocate.

For the Respondents : Mr. G.M. Farooqui, APP for the State.
SI Ved Parkash, PS Shahbad Dairy.
Ms. Roshni, Advocate for respondent No.2
with respondent No.2 in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

10.09.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioners seek quashing of FIR No.295/2016 under Sections 498A/406/34 IPC, Police Station Shahbad Dairy.
2. The subject FIR emanates out of matrimonial discord.
3. Learned counsel for the petitioners submits that the parties have settled their disputes through the process of mediation held before Delhi Mediation Centre, Rohini on 15.02.2017. The parties have

already been divorced by way of a decree of divorce passed on 21.02.2018.

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

5. The 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.

6. 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 and the fact that the parties have already been divorced by way of a decree of divorce, passed on 21.02.2018, 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.295/2016 under Sections 498A/406/34 IPC, Police Station Shahbad Diary and the consequent proceedings emanating there from are quashed.

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

SEPTEMBER 10, 2018
ab

SANJEEV SACHDEVA, J



नित्यमेव जयते