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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3134/2018**

AJAY BHADULA & ORS

..... Petitioners

Through : Mr Shankar Datt Gahtori, Advocates.

versus

STATE & ORS

..... Respondent

Through : Mr Arun Kumar Sharma, Addl. PP
for the State.
Mr Rajnish Singh and Mr Ahish
Kumar, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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31.05.2018

Crl. M.A. 10997/2018(exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 3134/2018

1. Petitioners seek quashing of FIR No.591/2015, under Sections 498A/406/34 IPC, Police Station Sunlight Colony, based on a Settlement.

2. Learned counsel for the petitioners submits that petitioner No.2, father of petitioner No.1, is aged 63 years and is not well. On account of his illness, he could not travel to the Court today. He has filed supporting affidavit along with petition. Learned counsel for the

petitioners seeks exemption from personal appearance of petitioner No.2.

3. For the aforesaid reasons and after perusal of the affidavit, petitioner No.2 is granted exemption from personal appearance.

4. Subject FIR emanates out of a matrimonial discord. Petitioner No.1 is the husband of respondent No.2. Petitioner No.2 is the father of petitioner No.1, petitioner No. 3 is the sister of petitioner No.1.

5. Parties have settled their dispute. The Settlement dated 05.10.2015 has been executed between the parties through the Mediation Centre, Saket Courts, New Delhi.

6. As per the Settlement, the custody of the minor child shall remain with respondent No.2.

7. Petitioners, who are present in Court in person, undertake that they shall not claim any rights contrary to the Settlement Terms. The undertaking is accepted.

8. 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 31.01.2017. She also submits that she does not wish to press her complaint any further.

9. 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 Settlement dated 05.10.2015 has been executed between the parties through the Mediation Centre, Saket Courts, New Delhi, 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.

10. Accordingly, FIR No.591/2015, under Sections 498A/406/34 IPC, Police Station Sunlight Colony and the consequent proceedings emanating therefrom are hereby quashed.

11. Order Dasti under signatures of Court Master.

SANJEEV SACHDEVA, J

MAY 31, 2018

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