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

+ **CRL.M.C. 3210/2018**

RISHI SHAH & ORS

..... Petitioners

Through Mr. Rajan Bajaj and Mr. Naman
Gaubha, Advs.

versus

THE STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Through Mr. Mukesh Kumar, Addl. PP for the
State
Mr. Gurpratap Singh, Adv. for R-2
with R-2 in person

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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01.06.2018

Crl. M.A. No. 11235/2018 (Exemption)

Allowed, subject to all just exceptions.

Crl. M.A. No. 11236/2018 (Exemption)

This is an application filed on behalf of petitioner no. 5 seeking exemption from personal appearance on the ground that she is presently studying in United States and could not obtain leave to travel to India. For the reasons stated in the application, the application is allowed. Petitioner no. 5 is exempted from personal appearance. The application is disposed of.

CRL.M.C. 3210/2018

1. The petitioners seek quashing of FIR No. 338 of 2015 under

Sections 498A/406/34 of the IPC Police Station Rajendra Place, New Delhi, based on a settlement. It is contended that the FIR was lodged consequent to a matrimonial discord.

2. Learned counsel for petitioner submits that petitioner no. 4 has recently got married and on account of the same could not be present in Court. He prays for her exemption as well. For the above reasons, petitioner no. 4 is granted personal exemption from appearance. Affidavit of petitioner no. 4 has been filed.

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 23.10.2017 has been passed. It is further submitted on behalf of the parties that parties had entered into the settlement before the Delhi Mediation Centre, Tis Hazari Courts, Delhi on 05.08.2016. As per the settlement, a total sum of Rs. 6,75,000/- has been agreed to be paid to respondent no. 2. A sum of Rs. 5 lakhs has already been paid and the balance sum of Rs. 1,75,000/- has been paid to respondent no. 2 by way of Demand Draft No. 145969 dated 10.04.2018 issued by Federal Bank today in Court.

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

5. 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.

6. In view of the above, the petition is allowed. FIR No. 338 of 2015 under Sections 498A/406/34 of the IPC Police Station Rajendra Place, New Delhi and the consequent proceedings therefrom are, accordingly quashed.

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

SANJEEV SACHDEVA, J

JUNE 01, 2018
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