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

% Judgment delivered on: 12.07.2018

+ CRL.M.C. 3420/2018

MANISH & ORS

..... Petitioners

versus

STATE & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner :

Mr. Kamlesh Kumar with Ms.
Satakashi Verma, Advocates.

For the Respondent:

Mr. Kamal Kumar Ghai, APP for the
State.
SI Suresh Chand, PS Malviya Nagar.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

12.07.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A.12429/2018 (exemption)

Exemption is allowed subject to all just exceptions.

Crl.M.A.12430/2018 (for condonation of delay in re-filing)

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

CRL.M.C. 3420/2018

1. The petitioner seeks quashing of FIR No.240/2012 under Sections 498A/406/34 IPC, Police Station Malviya Nagar.

2. The subject FIR emanates out of matrimonial discord. Petitioner No.1 is the husband of respondent No.2. Petitioner Nos.2, 3 and 5 are the brothers-in-law of the respondent No.2. Petitioner No.4 is the father-in-law of the respondent No.2. Petitioner No.6 is the mother-in-law of the respondent No.2. Petitioner No.7 is the sister-in-law of the respondent No.2.

3. Learned counsel for the petitioner submits that the parties have entered into a settlement agreement dated 14.12.2015 through the process of mediation, held at Mediation Centre, Saket Courts, Delhi. The parties have already been divorced by way of a decree of divorce by mutual consent, passed on 04.04.2018.

4. The respondent No.2 was to be paid a total sum of Rs.2,70,000/- in full and final settlement of all her claims. A sum of Rs.2,00,000/- has already been paid. The balance sum of Rs.70,000/- has been paid to the respondent No.2 by way of Bankers Cheque No.702712 dated 02.07.2018 drawn on Bank of India.

5. The respondent No.2 is present in person 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 by mutual consent, passed on 04.04.2018, 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, FIR No.240/2012 under Sections 498A/406/34 IPC, Police Station Malviya Nagar and the consequent proceedings emanating there from are quashed.

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

SANJEEV SACHDEVA, J

JULY 12, 2018
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