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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2289/2018**
ASHOK KUMAR & ORS

..... Petitioners

Through : Mr Baldev Singh, Advocate.

versus

THE STATE & ANR Respondents

Through : Mr Akshai Malik, Addl. PP for the
State.
SI Vishan Kumar, PS Subzi Mandi.
Mr Sohan Lal, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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14.05.2018

Crl.M.A.8126/2018(delay in re-filing of 590 days)

For the reasons stated in the application, application is allowed
delay is condoned.

CRL.M.C. 2289/2018 &

1. Petitioners seek quashing of FIR No.62/2006, under Sections 498A/406/34 IPC, Police Station Subzi Mandi, based on a Settlement.
2. Exemption is prayed for on behalf of petitioner No.2 on the ground that she is aged 75 years and unwell and accordingly, could not appear.
3. In view of the above, 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 mother of petitioner No.1, petitioner Nos.3 & 4 are the brothers of petitioner No.1. Petitioner No. 5 is the sisters of petitioner No.1.

5. Parties have settled their dispute. Settlement Terms have been recorded before the Mediation Centre and incorporated in the judgment dated 14.07.2014 of the Trial Court.

6. As per the Settlement, permanent custody of the two children is to remain with respondent No.2. Petitioner No.1, who is present in Court in person, undertakes that he shall not claim any rights contrary to the Settlement Terms. His undertaking is accepted.

7. 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 14.07.2014. She also submits that she does not wish to press her complaint any further.

8. 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 before the Mediation Centre, and Settlement Terms have been incorporated in the judgment dated 14.07.2014 of the Trial Court 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 there from.

9. Accordingly, FIR No.62/2006, under Sections 498A/406/34 IPC, Police Station Subzi Mandi and the consequent proceedings emanating there from are hereby quashed.

10. Order Dasti under signatures of Court Master.

SANJEEV SACHDEVA, J

MAY 14, 2018

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