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

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Judgment delivered on: 09.07.2018

+ CRL.M.C. 3338/2018

KAMAL KASHYAP & ORS

..... Petitioners

versus

STATE OF NCT OF DELHI & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Arun Sheoran and Mr.Sushil Kumar, Advs.

For the Respondent: Mr. Kamal Kr.Ghai, Addl. PP for the State with SI
Desh Raj Singh, P.S.Gandhi Nagar.
Respondent No. 2 in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

09.07.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A.12105/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 3338/2018

1. The petitioners seek quashing of FIR No. 263 of 2016 under Sections 498A/406/34 of the IPC at Police Station Gandhi Nagar, Delhi, based on a settlement. It is contended that the FIR was lodged consequent to a matrimonial discord.

2. 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 18.05.2018 has been passed. It is further submitted on behalf of the parties that parties had entered into the settlement before the Delhi Mediation Centre, Karkardooma Courts, New Delhi on 13.10.2017.

3. As per the settlement, a total sum of Rs. 1,60,000/- was agreed to be paid to respondent no. 2. The amount of Rs. 1,00,000/- has already been paid to respondent no. 2. The balance amount of Rs.60,000/- has been paid by way of Demand Draft No.764700 dated 05.07.2018 drawn on Indian Overseas Bank.

4. Respondent no. 2 who is present in court in person and is identified by the Investigating Officer confirms that she has received the entire sum of Rs. 1,60,000/- from the petitioners. Respondent no. 2 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 there from.

6. In view of the above, the petition is allowed. FIR No. 263 of 2016 under Sections 498A/406/34 of the IPC at Police Station Gandhi Nagar, Delhi and the consequent proceedings emanating there from are, accordingly quashed.

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

SANJEEV SACHDEVA, J

JULY 09, 2018

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