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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. 3351/2018

RAM SWAROOP GHILDIYAL & ORS. Petitioners

versus

STATE & ANR Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Vivek Sharma, Advs for petitioner Nos.1 to 3.

For the Respondent: Mr.Panna Lal Sharma, Addl. PP for the State with
ASI Balwant, P.S.CWC, Nanakpura.
Mr.Sachin Sharma, Adv. for respondent No.2
with Respondent No. 2 in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

09.07.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioners seek quashing of FIR No. 173 of 2009 under Sections 498A/406/34 of the IPC at Police Station CAW Cell, Nanak Pura, New Delhi, based on a settlement. It is contended that the FIR was lodged consequent to a matrimonial discord.

2. Learned counsel for the petitioners submits that Sh.Parvesh Ghildiyal was discharged by the trial court.

3. Learned counsels for the parties submit that parties have settled their disputes and have amicably dissolved their marriage by mutual consent and decree of divorce dated 06.02.2018 has been passed. It is further submitted on behalf of the parties that parties had entered into the settlement before the Mediation Centre, Dwarka, New Delhi on 17.05.2017.

4. As per the settlement, a total sum of Rs. 6,00,000/- was agreed to be paid to respondent no. 2. The amount of Rs. 5,50,000/- has already been paid to respondent no. 2. The balance amount of Rs.50,000/- has been received by way of Demand Draft No.000579 dated 26.03.2018 drawn on Axis Bank which is accepted by respondent No.2.

5. Respondent no. 2 who is present in court in person, is represented by the counsel and identified by the IO. She confirms that she has received the entire sum of Rs. 6,00,000/- 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.

6. 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.

7. In view of the above, the petition is allowed. FIR No. 173 of 2009 under Sections 498A/406/34 of the IPC at Police Station CAW Cell, Nanak Pura, New Delhi, and the consequent proceedings there from are, accordingly quashed.

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

SANJEEV SACHDEVA, J

JULY 09, 2018

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