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

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Judgment delivered on: 09.08.2018

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CRL.M.C. 3567/2018

RAHUL & ORS

..... Petitioners

versus

THE STATE (NCT OF DELHI)& ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Ms.Manisha Rawat, Advocate.

For the Respondents: Mr.Raghuvinder Verma, APP for the
State with ASI Jai Kishan, P.S.Mangolpuri
Mr.Sunil Chaudhary, Adv.for R-2 along with
respondent No.2 in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

09.08.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl. M.A. 28125/2018(exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 3567/2018

1. The petitioners seek quashing of FIR No.1748 of 2014 under Sections 498A/406/34 IPC, Police Station Mangolpuri, based on a settlement. It is contended that the FIR was lodged consequent to a matrimonial discord.

2. As per the settlement, a total sum of Rs. 2,00,000/- was agreed to be paid to respondent no. 2 besides certain articles which were to be returned.

3. Learned counsel for the parties inform that Rs.1,50,000/- has already been paid and some of the articles have been returned, however, some articles were damaged for which an additional amount of Rs.5000/- is being paid. Balance amount of Rs.55,000/- has also been paid to respondent No.2 today in cash. Respondent No.2 acknowledges the receipt of the said amount of Rs. 50,000/- and the additional compensation of Rs.5000/-.

4. As per the settlement, custody of minor son is to remain with respondent No.2. The petitioner who is present in Court in person undertakes that he shall not claim rights contrary to the settlement terms. Undertaking is accepted.

5. 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 19.05.2018 has been passed. It is further submitted on behalf of the parties that parties had entered into the settlement before the Delhi Mediation Centre, Rohini Courts, New Delhi dated 25.11.2017.

6. Learned counsels for the parties inform that other disputes between the parties have also been resolved and proceedings have

been concluded on the basis of the subject settlement.

7. Respondent no. 2 who is present in court in person and represented by counsel, is identified by the IO. 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.

8. In view of the fact that the disputes between the petitioner 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.

9. In view of the above, the petition is allowed. FIR No.1748 of 2014 under Sections 498A/406/34 IPC, Police Station Mangolpuri, and the consequent proceedings there from are, accordingly quashed.

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

SANJEEV SACHDEVA, J

AUGUST 09, 2018/rk