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

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Judgment delivered on: 27.08.2018

+ CRL.M.C. 4296/2018
AVINASH BHUSHAN KESHRY Petitioner

versus

THE STATE & ANR Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Shubhanshu Singh,
Mr. Suman Kumar with Mr. Sanad
Kumar Jha, Advocates.

For the Respondents: Mr. Panna Lal Sharma, APP for the
State.
SI Rajender Singh, PS Badarpur.
Mr. Hemraj Tewatia with Mr. Aman
Pal Chauhan, Advocates for R-2 with R-2 in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

27.08.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A.30677/2018 (exemption)

Exemption is allowed subject to all just exceptions.

**CRL.M.C. 4296/2018 & Crl.M.A.30678/2018 (for condonation of
delay in re-filing)**

1. The petitioner seeks quashing of FIR No.84/2013 under
Sections 498A/406/34 IPC, Police Station Badarpur.

2. The subject FIR emanates out of matrimonial discord. Petitioner is the husband of respondent No.2.

3. Learned counsel for the petitioner submits that the disputes between the parties have been settled and the terms of settlement have been recorded in a joint petition filed by the parties under Section 13B(2) of the Hindu Marriage Act before the Family Court, Saket. The parties have already been divorced by way of a decree of divorce by mutual consent, passed on 12.04.2018.

4. The respondent No.2 is present in person, represented by counsel and is identified by the Investigating Officer. She submits that she has settled her disputes with the petitioner and does not wish to press charges against the petitioner and prosecute the complaint any further.

5. 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 12.04.2018, 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

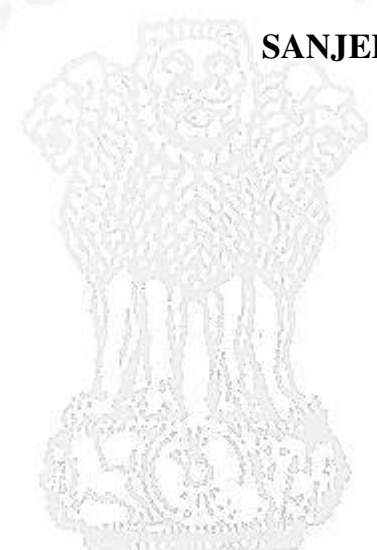
emanating therefrom.

6. In view of the above, the petition is allowed. FIR No.84/2013 under Sections 498A/406/34 IPC, Police Station Badarpur and the consequent proceedings emanating there from are quashed.

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

AUGUST 27, 2018
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SANJEEV SACHDEVA, J



न्यायमेव जयते