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

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Judgment delivered on: 24.07.2018

+ CRL.M.C. 3636/2018

PANKAJ SOLANKI & ORS

..... Petitioners

versus

THE STATE (GOVT. OF NCT OF DELHI)& ANR Respondents

Advocates who appeared in this case:

For the Petitioners : Ms. Mukta Sharma, Advocate.

For the Respondents: Mr. Sanjeev Sabharwal, APP for State.
Respondent No.2 in person.
SI Randeep, PS Prashant Vihar.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

24.07.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A.28390/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 3636/2018

1. The petitioners seek quashing of FIR No.1118/2015 under Sections 498A/406/34 IPC, Police Station Prashant Vihar, based on a settlement.
2. The subject FIR emanates out of matrimonial discord. Petitioner No.1 is the husband of respondent No.2. Petitioner Nos.2 and 3 are the father-in-law and mother-in-law of the respondent No.2. Petitioner No.4 is

the brother of the mother of the petitioner No.1. Petitioner No.5 is the sister-in-law of the respondent No.2. Petitioner No.6 is the brother-in-law of the respondent No.2.

3. It is submitted by the learned counsel for the petitioners that petitioner Nos.2 and 3 being aged could not be personally present in Court. She prays for their personal exemption. She submits that the petitioner Nos.5 and 6 being resident of Australia have executed attorney/authority letter in favour of the petitioner No.1 and he represents petitioner Nos.5 and 6 also.

4. In view of the above petitioners 2 and 3 are granted exemption from personal presence. Petitioners 5 and 6 are exempted from appearance through their attorney.

5. Learned counsel for the petitioners submits that the parties have settled their disputes. The parties have already been divorced by way of a decree of divorce by mutual consent, passed on 04.06.2018.

6. The respondent No.2 was to be paid a total sum of Rs.30,00,000/- in full and final settlement of all her claims. A sum of Rs.20,00,000/- has already been paid. The balance sum of Rs.10,00,000/- is being paid today to the respondent No.2 in court by way of Demand Draft No.456547 dated 18.07.2018 drawn on The Syndicate Bank.

7. The respondent No.2 is present in person and is identified by the Investigating Officer. She submits that she has settled her disputes with the petitioners and does not wish to press charges against the petitioners and

prosecute the complaint any further.

8. 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 04.06.2018, 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.

9. In view of the above, FIR No.1118/2015 under Sections 498A/406/34 IPC, Police Station Prashant Vihar and the consequent proceedings emanating there from are quashed.

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

JULY 24, 2018
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SANJEEV SACHDEVA, J