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

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Judgment delivered on: 25.07.2018

+ CRL.M.C. 3660/2018

MANPREET SINGH BHATIA & ORS. Petitioners

versus

THE STATE & ANR. Respondents

Advocates who appeared in this case:

For the Petitioners : Ms. Koplin K. Kandhari with Mr.
S.C. Duggal, Advocates.

For the Respondent: Mr. Kamal Kumar Ghai, APP for
State.
SI Vikram Singh, PS Rajouri Garden.
Complainant in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

25.07.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioners seek quashing of FIR No.517/2013 under Sections 498A/406/34 IPC, Police Station Rajouri Garden, based on a settlement.

2. Learned counsel for the petitioners submits that the petitioner No.4 – Mr. Ponty Singh, who is a permanent resident of Singapore and has filed his affidavit in support of the petition, could not be

present today as he had to travel back to Singapore. Learned counsel for the petitioners prays that he may be granted exemption from personal appearance.

3. In view of the above, the petitioner No.4 is granted exemption from personal appearance.

4. The subject FIR emanates out of matrimonial discord.

5. Petitioner No.1 is the husband of respondent No.2. Petitioner Nos.2 & 3 are the father-in-law and mother-in-law of the respondent No.2. Petitioner No.4 is the brother-in-law of the respondent No.2.

6. Learned counsel for the petitioners submit that the parties have settled their disputes before the Principal Judge, Family Courts, Tis Hazari on 07.11.2017. The parties have already been divorced by way of a decree of divorce by mutual consent, passed on 07.12.2017.

7. The respondent No.2 was to be paid a total sum of Rs.54,00,000/-. A sum of Rs.40,00,000/- has already been paid. The balance sum of Rs.14,00,000/- has been paid to the respondent No.2 by way of Demand Draft No.014677 dated 30.05.2018 drawn on Axis Bank.

8. Over and above the said amount of Rs.54,00,000/-, a Fixed Deposit Receipt in the sum of Rs.10,00,000/- has been created in favour of the minor girl child under the guardianship of the petitioner

No.1. The petitioner No.1, who is present in Court in person, undertakes that on the minor girl attaining the age of 21 years, the Fixed Deposit Receipt shall be encashed and an amount of Rs.15,00,000/- in total shall be transferred to her.

9. In addition to the same, the petitioner has agreed to pay the maintenance @ Rs.27,000/- per month till the time the minor girl child attains the age of 21 years. The petitioner No.1 undertakes that he shall abide by the settlement terms. The undertaking is accepted.

10. As per the settlement, the permanent custody of the minor child is with the respondent No.2 with visitation rights in favour of the petitioners. The petitioners, who are present in Court in person, undertake that they shall not claim any rights contrary to the settlement agreement.

11. 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.

12. 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 07.12.2017, 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.

13. In view of the above, the petition is allowed. FIR No.517/2013 under Sections 498A/406/34 IPC, Police Station Rajouri Garden and the consequent proceedings emanating therefrom are, accordingly quashed.

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

JULY 25, 2018
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SANJEEV SACHDEVA, J