

\$~51

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

% Judgment delivered on: 25.07.2018

+ CRL.M.C. 3656/2018

MR. PIYUSH PATHAK & ORS. Petitioners

versus

STATE & ANR. Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Vikas Arora with Ms. Radhika Arora,
Advocates.

For the Respondent: Mr. Sanjeev Sabharwal, APP for State.
SI Kapil Kumar, PS Mansarovar Park.
Mr. S. Arman Sharma, Advocate for
R-2 with R-2 in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

25.07.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl. M.A. 28480/2018(Exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 3656/2018

1. The petitioners seek quashing of FIR No.113/2014 under Sections 498/406/34 IPC and Section 4 Dowry Prohibition Act, 1961, Police Station Mansarovar Park.

2. Learned counsel for the petitioners submits that the petitioner No.5, who is the cousin sister of the petitioner No.1 and has also filed a supporting affidavit in support of the petition, is a resident of Ahmedabad and on account of certain personal problems, could not travel to Delhi. She has issued an authorization letter in favour of the petitioner No.1 to appear for her. He prays that she may be granted exemption from personal appearance.

3. In view of the above, the petitioner No.1 is granted exemption from personal appearance. The authority letter is taken on record.

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. Petitioner No.5 is the sister-in-law of the respondent No.2.

6. Learned counsel for the petitioners submit that the parties have settled their disputes through the process of mediation held before Delhi Mediation Centre on 16.10.2017. The parties have already been divorced by way of a decree of divorce by mutual consent, passed on 24.05.2018.

7. The respondent No.2 was to be paid a total sum of Rs.14,50,000/-. A sum of Rs.10,00,000/- has already been paid. The balance sum of Rs.4,50,000/- has been paid to the respondent No.2 by way of Demand Draft No.449453 dated 19.07.2018 drawn on Andhra Bank.

8. 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 petitioners and does not wish to press charges against the petitioners and prosecute the complaint any further.

9. 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 24.05.2018, 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 there from.

10. In view of the above, the petition is allowed. FIR No.113/2014 under Sections 498/406/34 IPC and Section 4 Dowry Prohibition Act, 1961, Police Station Mansarovar Park and the consequent proceedings emanating therefrom are, accordingly quashed.

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

SANJEEV SACHDEVA, J

JULY 25, 2018
st