

\$~67

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

%

Judgment delivered on: 30.08.2018

+ CRL.M.C. 4399/2018

KRISHAN KANT

..... Petitioner

versus

STATE OF DELHI & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner :

Mr.Pushpender Shukla, Adv.

For the Respondent:

Ms.Neelam Sharma, Addl. PP for
the State with ASI Gyan Singh, P.S.Pul Prahladpur.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

30.08.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner seeks quashing of FIR No. 388 of 2011 under Sections 498A/406 of the IPC registered at Police Station Pul Prahladpur, Delhi based on a settlement. It is contended that the FIR was lodged consequent to a matrimonial discord.

2. Learned counsel for the parties submit that the parties have entered into a settlement vide Compromise Deed dated 09.04.2018.

3. As per the settlement, a total sum of Rs. 9,00,000/- has been agreed to be paid to respondent no. 2. A sum of Rs. 3,50,000/- has already been paid and the balance sum of Rs. 3,50,000/- has been paid, today in Court, by way DD No. 511620 dated 31.07.2018 issued by ICICI Bank to respondent No. 2, who is present in Court in person.

4. Learned counsels for the parties submit that the parties have settled their disputes and the parties submit that they shall be duly applying for grant of divorce by mutual consent within a statutory period.

5. As per the settlement the minor child shall remain in the permanent custody of respondent No.2. The petitioner who is present in Court undertakes that he shall not claim any rights contrary to the settlement terms. He further undertakes that at the time of recording of the statement on second motion, he shall duly pay the balance amount of Rs.2,00,000/- to respondent No.2. The undertakings are accepted.

6. Respondent no. 2 is present in court in person, represented by counsel and 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.

7. 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.

8. In view of the above, the petition is allowed. FIR No. 388 of 2011 under Sections 498A/406 of the IPC registered at Police Station Pul Prahladpur, Delhi, and the consequent proceedings emanating there from are, accordingly quashed.

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

AUGUST 30, 2018
rk

SANJEEV SACHDEVA, J