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

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Judgment delivered on: 24.08.2018

+ CRL.M.C. 4257/2018

ASHWANI SAINI & ORS.

..... Petitioners

versus

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

.... Respondents

Advocates who appeared in this case:

For the Petitioner : Ms. Reema Roy, Advocate.

For the Respondents: Mr. Kamal Kumar Ghai, APP for the State.
SI Tinku Shokeen, PS Vikas Puri.
Ms. Guddi Dimri, Advocate for the complainant
with complainant in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

24.08.2018

SANJEEV SACHDEVA, J. (ORAL)

CRL.M.A 30541/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 4257/2018

1. The petitioners seek quashing of FIR No.148/2000 under Sections 498A/406/34 IPC, Police Station Vikaspuri, based on a settlement.

2. Prayer is made for exemption from personal appearance of petitioner Nos.2 and 3. It is contended that the petitioner No.3 is a permanent resident of Mussoorie and, on account of examination of her child, she could not travel to Delhi. Further, it is stated that the petitioner No.2 is unwell and, on account of which, he could not come to Court. They have filed their affidavits in support of the petition. In view of the above, petitioner Nos. 2 and 3 are exempted from their personal appearance.

3. The subject FIR emanates out of matrimonial discord. Petitioner No.1 is the husband of respondent No.2. Petitioner No.2 is the brother-in-law of the respondent No.2. Petitioner No.3 is the sister-in-law of the respondent No.2.

4. Learned counsel for the petitioners submits that the parties have settled their disputes before the Counselling Cell, Family Court, Tis Hazari on 12.07.2016. The parties have already been divorced by way of a decree of divorce by mutual consent, passed on 24.07.2017.

5. The respondent No.2 was to be paid a total sum of Rs.5,00,000/- in full and final settlement of all her claims. A sum of Rs.3,00,000/- has already been paid. The balance sum of Rs.2,00,000/- has been paid to the respondent No.2 by way of Demand Draft No.126286 dated 30.07.2018 drawn on State Bank of India.

6. 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.

7. 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 24.07.2017, 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 therefrom.

8. In view of the above, the petition is allowed. FIR No.148/2000 under Sections 498A/406/34 IPC, Police Station Vikaspuri and the consequent proceedings emanating there from are quashed.

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

AUGUST 24, 2018
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SANJEEV SACHDEVA, J