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

% Judgment delivered on: 13.08.2018

+ CRL.M.C. 4075/2018

NIKUNJ THAPAR & OTHERS

..... Petitioners

versus

STATE AND ANOTHER

..... Respondents

Advocates who appeared in this case:

For the Petitioner :

Mr. Aditya Kapoor, Adv. along with petitioner no. 1 in person.

Mr. S.K. Gandhi & Mr. Shubhit Sharma, Advs. for P-2 to 4.

For the Respondent:

Mr. Raghuvinder Verma, Addl. PP for the State with SI Arti Singh

Mr. Sabreena Bashir and Mr. M. Qayam Ud-din, Advs. for R-2

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

13.08.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl. M.A. 29881/2018 (Exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 4075/2018

1. The petitioners seek quashing of FIR No. 599 of 2016 under

Sections 498A/406/34 of the IPC registered at Police Station Patel Nagar, Delhi, based on a settlement. It is contended that the FIR was lodged consequent to a matrimonial discord.

2. Learned counsels for the parties submit that the parties have settled their disputes and the settlement before Delhi Mediation Centre, Tis Hazari Courts, Delhi on 27.01.2018 has been executed between the parties. As per the settlement, a total sum of Rs. 10 lakhs has been agreed to be paid to respondent no. 2. A sum of Rs. 4,00,000/- has already been paid. Further sum of Rs. 3,00,000/- has been paid to respondent no. 2 today in Court by way of DD No. 466494 dated 09.08.2018 issued by Syndicate Bank.

3. It is submitted that the balance amount of Rs. 3,00,000/- shall be paid to respondent no. 2 at the time of recording of second motion mutual divorce. Petitioner who is present in court undertakes that the said amount shall be paid as agreed. The undertaking is accepted.

4. Respondent no. 2 is to deliver the vacant peaceful possession of one flat i.e. No. 14, Jupiter Apartments, D-Block, Vikas Puri, New Delhi. Respondent no. 2 who is present in court undertakes to hand over the vacant peaceful possession by handing over the keys of the flat to petitioner at the time of recording of second motion mutual divorce. The undertaking is accepted.

5. Respondent no. 2 who is present in court in person, represented

by her counsel and is identified by the Investigating Officer 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.

6. In view of the fact that the disputes between the petitioners 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 therefrom.

7. In view of the above, the petition is allowed. FIR No. 599 of 2016 under Sections 498A/406/34 of the IPC registered at Police Station Patel Nagar, Delhi and the consequent proceedings therefrom are, accordingly quashed.

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

SANJEEV SACHDEVA, J

AUGUST 13, 2018

‘rs’