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

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Judgment delivered on:01.10.2018

+ CRL.M.C. 4469/2018

HARISH KUMAR & ORS.

..... Petitioners

versus

STATE (N.C.T OF DELHI) & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Santosh Pratap with Mr. Parmod Kumar Gupta and Durga, Advocates.

For the Respondents : Mr. Kamal Kumar Ghai, APP for State.
Mr. Dhruv Sharma with Ms. Gemini Sharma, Advocates for respondent
No.2 with R-2 in person.
ASI Govind Singh, PS Sangam Vihar.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

01.10.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioners seek quashing of FIR No.521/2008 under Sections 498A/406/34 IPC, Police Station Sangam Vihar, based on a settlement.

2. Learned counsel for the petitioners prays for an exemption for

personal appearance of petitioner Nos.3 and 5, who are the husband of the sister and sister of the petitioner No.1 respectively, on the ground that they are permanent resident of Kanpur and because of their personal work could not be present in Court. They have filed their affidavits in support of the petition.

3. In view of the above, the petitioner Nos.3 and 5 are granted exemption from personal appearance.

4. The subject FIR emanates out of matrimonial discord. Petitioner No.1 is the husband of respondent No.2. Petitioner Nos.2 and 4 are the father-in-law and mother-in-law of the respondent No.2. Petitioner No.3 is the husband of the sister-in-law of the respondent No.2. Petitioner No.5 is the sister-in-law of the respondent No.2.

5. Learned counsel for the petitioners submits that the parties have settled their disputes through the process of mediation held at Mediation Centre, Saket on 15.04.2017. The parties have already been divorced by way of a decree of divorce by mutual consent, passed on 10.04.2018.

6. The respondent No.2 was to be paid a total sum of Rs.10,00,000/- in full and final settlement of all her claims. The sum of Rs.9,00,000/- has already been paid. The balance of sum of Rs.1,00,000/- has been paid by way of a Demand Draft bearing No.185980 dated 19.07.2018 drawn on State Bank of India.

7. 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.

8. 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 10.04.2018, 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 therefrom.

9. In view of the above, the petition is allowed. FIR No.521/2008 under Sections 498A/406/34 IPC, Police Station Sangam Vihar and the consequent proceedings emanating there from are quashed.

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

OCTOBER 01, 2018/st

SANJEEV SACHDEVA, J