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

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Judgment delivered on:08.10.2018

+ CRL.M.C. 3940/2018

VIJENDRA KUMAR @ VIJENDDER
SOLANKI & ORS

..... Petitioners

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Yogesh Gaur, Adv.

For the Respondents : Mr. Kamal Kr. Ghai, Addl. PP for the State with
ASI Ghanshyam Dass
Mr. Sunder Lal, Adv. for R-2 with R-2 in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

08.10.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl. M.A. 29396/2018 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 3940/2018

1. Petitioners seek quashing of FIR No. 40 of 2017 under Sections 498A/406 IPC registered at Police Station CAW Cell, Nanakpura,

Delhi, based on a settlement.

2. Subject FIR emanates out of matrimonial discord.

3. Learned counsel for the petitioners submits that the parties have settled their disputes and settlement dated 11.10.2017 has been executed between the parties. Parties have amicably dissolved their marriage by mutual consent and decree of divorce dated 18.05.2018 has been passed.

4. As per the settlement, a total sum of Rs. 6 lakhs has been agreed to be paid by the petitioners to respondent no. 2 in full and final settlement of all the claims of respondent no. 2. A sum of Rs. 4 lakhs has already been paid and the balance sum of Rs. 2,00,000/- has been paid by way of DD/Bankers Cheque No. 220128 dated 25.07.2018 issued by State Bank of India to respondent no. 2, today in Court.

5. Respondent No.2 is present in person 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.

6. 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, passed on 18.05.2018, 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 therefrom.

7. As per the settlement the minor child shall remain in the permanent custody of respondent No.2. Petitioners who are present in Court undertakes that they shall not claim any rights contrary to the settlement terms. Undertaking is accepted.

8. In view of the above, the petition is allowed. FIR No. 40 of 2017 under Sections 498A/406 IPC registered at Police Station CAW Cell, Nanakpura, Delhi and the consequent proceedings emanating there from are quashed.

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

OCTOBER 08, 2018
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SANJEEV SACHDEVA, J