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

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Judgment delivered on: 06.09.2018

+ CRL.M.C. 4281/2018
MANOJ KUMAR & ORS

..... Petitioners

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Himanshu Chaubey, Advocate.

For the Respondents: Mr. Sanjeev Sabharwal, APP for the State.
ASI Ranvir Singh, PS Nanak Pura.
Mr. Pooja Rai, Advocate for respondent No.2
with respondent No.2 in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

06.09.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioners seek quashing of FIR No.109/2016 under Sections 498A/406/354/34 IPC, Police Station Crime (Women) Cell, Nanakpura, based on a settlement.

2. Learned counsel for the petitioners prays for an exemption from personal appearance of the petitioner Nos.2 to 10. He submits that they are all residents of Saharanpur and are relatives of the petitioner No.1. He submits that as per the settlement terms, it is the petitioner

No.1 who has to pay the balance amount. The petitioner Nos.2 to 10 have filed their affidavits in support of the petition.

3. In view of the above, the petitioner Nos.2 to 10 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 3 are the father-in-law and mother-in-law of the respondent No.2. Petitioner Nos.4, 5 & 8 are the brothers-in-law of the respondent No.2. Petitioner No.6 is the sister-in-law of the respondent No.2. Petitioner No.7 is the husband of the sister-in-law of the respondent No.2. Petitioner Nos.9 and 10 are the relations of the petitioner No.1.

5. Learned counsel for the petitioners submits that the parties have settled their disputes through the process of mediation held before Delhi Mediation Centre, Patiala House Court on 20.09.2017. The parties have already been divorced by way of a decree of divorce by mutual consent, passed on 05.06.2018.

6. The respondent No.2 was to be paid a total sum of Rs.14,00,000/- in full and final settlement of all her claims. A sum of Rs.11,00,000/- has already been paid. The balance sum of Rs.3,00,000/- has been paid to the respondent No.2 by way of Bankers Cheque No.690312 dated 18.07.2018 drawn on State Bank of India.

7. 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.

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 05.06.2018, 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.109/2016 under Sections 498A/406/354/34 IPC, Police Station Crime (Women) Cell, Nanakpura and the consequent proceedings emanating therefrom are quashed.

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

SANJEEV SACHDEVA, J

SEPTEMBER 06, 2018/st