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

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Judgment delivered on: 17.08.2018

+ CRL.M.C. 4150/2018
RASHID HUSSAIN & ORS. Petitioners
versus
THE STATE (GOVT. OF NCT DELHI) & ANR.
.....Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Rashid Hussain with Mr. Javed Hussain, Advocates with petitioners in person.

For the Respondent: Ms. Neelam Sharma, APP for the State.
SI Jitender, PS Welcome.
Mr. Anuj Tomar, Advocate for respondent No.2.

**CORAM:-
HON'BLE MR JUSTICE SANJEEV SACHDEVA**

**JUDGMENT
17.08.2018**

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A.30155/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL. M.C. 4150/2018

1. The petitioners seek quashing of FIR No.276/2013 under Sections 498A/406/34 IPC and Section 4 Dowry Prohibition Act, 1961, Police Station Welcome Colony.

2. 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, 6 and 7 are the brother-in-law of the respondent No.2. Petitioner No.5 is the wife of the petitioner No.4.

3. Learned counsel for the petitioners submits that the disputes between the parties have been settled and a settlement agreement dated 24.04.2018 has been executed between the parties. The parties have already divorced on 30.07.2018 as per Muslim Law.

4. 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.9,00,000/- has already been paid. The balance sum of Rs.5,00,000/- has been paid to the respondent No.2 by way of following Demand Drafts:-

- (i) *Demand Draft No.810239 dated 23.07.2018 drawn on Syndicate Bank for Rs.2,00,000/-;*
- (ii) *Demand Draft No.775924 dated 03.08.2018 drawn on Bank of Baroda for Rs.1,00,000/-;*
- (iii) *Demand Draft No.811608 dated 04.08.2018 drawn on Allahabad Bank for Rs.1,00,000/- and*
- (iv) *Demand Draft No.775922 dated 01.08.2018 drawn on Bank of Baroda for Rs.1,00,000/-*

5. As per the settlement, the permanent custody of the children is with the respondent No.2. The petitioner, who is present in Court in person, undertakes that he shall not claim any rights contrary to the

settlement terms. The undertaking is accepted.

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 had already divorced on 30.07.2018 as per Muslim Law, 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.276/2013 under Sections 498A/406/34 IPC and Section 4 Dowry Prohibition Act, 1961, Police Station Welcome Colony and the consequent proceedings emanating there from are quashed.

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

SANJEEV SACHDEVA, J

AUGUST 17, 2018/st