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

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Judgment delivered on:13.09.2018

+ Crl.M.C.4641/2018

DEVENDER

..... Petitioner

versus

STATE (NCT OF DELHI) & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr.P.K. Kar, Adv.

For the Respondent : Mr. Raghuvinder Verma, APP for the State.
SI Dharmvir Singh PS CWC Nanak Pura.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

13.09.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A.31960/2018 (exemption)

Exemption is allowed subject to all just exceptions.

Crl.M.C.4641/2018

1. Petitioner seeks quashing of FIR No.51/2012 under Sections 498A/406/34 IPC, Police Station Crime Women Cell Nanak Pura.
2. The subject FIR emanates out of matrimonial discord.

3. Learned counsel for the petitioners submits that the parties have settled their disputes before the Counselling Cell, Saket and settlement agreement dated 26.11.2016 has been executed between the parties. The parties have already been divorced by way of a decree of divorce passed on 20.01.2018.

4. The respondent No.2 was to be paid a total sum of Rs.3,38,000/- in full and final settlement of all her claims. A sum of Rs.2,20,000/- has already been paid. The balance sum of Rs.1,18,000/- has been paid to the respondent No.2 by way of DD No.218801 dated 24.08.2018 drawn on PNB Bank.

5. As per the settlement, two minor children shall remain in the permanent custody of respondent No.2. The petitioner No.1 who is present in Court 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 have already been divorced by way of a decree of divorce, passed on 20.01.2018, 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.

8. In view of the above, the petition is allowed. FIR No.51/2012 under Sections 498A/406/34 IPC, Police Station Crime Women Cell Nanak Pura and the consequent proceedings emanating there from are quashed.

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

SEPTEMBER 13, 2018
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SANJEEV SACHDEVA, J