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

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Judgment delivered on: 24.08.2018

+ CRL.M.C. 4254/2018

ANUJ SHARMA & ORS.

..... Petitioners

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR. Respondents

Advocates who appeared in this case:

For the Petitioner : Mr.Anup Kumar Sinha, Adv. with petitioner no. 1

For the Respondent: Mr.Raghuvinder Verma, Addl. PP for
the State
Mr. Amit Kuamr Sharma, Adv. for R-2.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

24.08.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A.30533/2018 (Exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 4254/2018

1. The petitioners seek quashing of FIR No. 1386 of 2014 under Sections 498A/406/34 of the IPC registered at Police Station New Ashok Nagar, Delhi based on a settlement. It is contended that the FIR was lodged consequent to a matrimonial discord.

2. Learned counsel for petitioner prays for exemption from

personal appearance on behalf of petitioner no. 2 and 3 on the ground that they are aged and permanent residents of Jamshedpur. They have filed their affidavits in support of petition. In view of the above, petitioner no. 2 and 3 are granted exemption from personal appearance.

3. Learned counsel for the parties submit that the parties have entered into a settlement before Delhi High Court Mediation & Conciliation Centre on 03.02.2018.

4. As per the settlement, a total sum of Rs. 75,00,000/- has been agreed to be paid to respondent no. 2. A sum of Rs. 35,00,000/- has already been paid and the balance sum of Rs. 40,00,000/- has been paid, today in Court, by way DD No. 383875 dated 21.08.2018 issued by Yes Bank to respondent No. 2, who is present in Court in person.

5. Learned counsels for the parties submit that the parties have settled their disputes and the parties have already been divorced by decree of divorce dated 05.01.2014.

6. As per the settlement the minor child shall remain in the permanent custody of respondent No.2. The petitioner No. 1 who is present in Court undertake that he shall not claim any rights contrary to the settlement terms. The undertaking is accepted.

7. Respondent no. 2 is present in court in person, represented by counsel and is identified by the IO. Respondent no. 2 submits that she

has settled the dispute with the petitioners and is agreeable to the settlement and does not wish to press the criminal charges against the petitioners any further.

8. In view of the fact that the disputes between the petitioners and respondent no. 2 emanate out of a matrimonial discord and have been settled, 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 there from.

9. In view of the above, the petition is allowed. FIR No. 1386 of 2014 under Sections 498A/406/34 of the IPC registered at Police Station New Ashok Nagar, Delhi, and the consequent proceedings emanating there from are, accordingly quashed.

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

SANJEEV SACHDEVA, J

AUGUST 24, 2018

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