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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. 4269/2018

RAJESH SHARMA @ PINTOO & ORS. Petitioners

versus

THE STATE (N.C.T. OF DELHI) & ANR. Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Deepak Kumar, Advocate

For the Respondents: Mr. Sanjeev Sabharwal, APP for the State.
SI Jagdish, PS Bindapur.
Mr. V.S. Panwar, Advocate for R-2 with R-2 in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

24.08.2018

SANJEEV SACHDEVA, J. (ORAL)

CrI.M.A. No.30580/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 4269/2018

1. The petitioners seek quashing of FIR No.411/2012 under Sections 498A/406/494/34 IPC, Police Station Binda Pur, based on a settlement.
2. Learned counsel for the petitioners submits that the petitioner No.3,

mother of the petitioner No.1, could not be present in Court today as she has gone on a pilgrimage. He prays that the petitioner No.3 be exempted from personal appearance. He submits that she has already filed an affidavit in support of the petition.

3. In view of the above, the petitioner No.3 is exempted from personal appearance.

4. The subject FIR emanates out of matrimonial discord. Petitioner No.1 is the husband of respondent No.2. Petitioner No.2 is the sister-in-law of the respondent No.2. Petitioner No.3 is the mother-in-law of the respondent No.2.

5. Learned counsel for the petitioners submits that the parties have settled their disputes before the Counselling Cell, Dwarka Court on 17.03.2017. The parties have already been divorced by way of a decree of divorce by mutual consent.

6. As per the settlement, the petitioners had to transfer property bearing No.RZ-T-234, 3rd Floor, Jain Colony, Part-I, Uttam Nagar. The petitioners have already executed the transfer documents in favour of respondent No.2 qua the same.

7. As per the settlement, three minor children are to remain with permanent custody of the respondent No.2.

8. The petitioner No.1, who is present in Court in person, undertakes that he shall not claim any rights contrary to the settlement terms. The undertaking is accepted.

9. 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.

10. 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, 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.

11. In view of the above, the petition is allowed. FIR No.411/2012 under Sections 498A/406/494/34 IPC, Police Station Binda Pur and the consequent proceedings emanating there from are quashed.

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

AUGUST 24, 2018
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SANJEEV SACHDEVA, J