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

% Judgment delivered on: 27.08.2018
+ CRL.M.C. 4294/2018

VINEET KUMAR GARG & ORS Petitioners

versus

STATE & ANR Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Rajesh Kumar and Mr. K.K. Mohan Dass,
Advs.

For the Respondents: Mr. Kamal Kr. Ghai, Addl. PP for the State with SI
Jaibir Singh
Mr. Vikas Nagpal, Advocate for R-2

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

27.08.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl. M.A. 30667/2018 (Exemption) & 30668/2018 (Exemption)

Allowed, subject to all just exceptions.

**Crl. M.A. 30669/2018 (Exemption from personal appearance for
petitioner No. 2 to 7)**

Exemption from personal appearance is sought on behalf of petitioner no. 2 to 7. It is stated that petitioner no. 2 & 3 being parents of petitioner no. 1 are aged and ill and as such could not be present in Court. Further it is submitted that petitioner no. 4 to 7 were named in the FIR, however, no chargesheet has been filed against them. It is stated that

petitioner no. 2 to 7 have given their power of attorneys authorizing petitioner no. 1 to file the present petition. In view of the above, petitioner no. 2 to 7 are granted exemption from their personal appearance. Application is allowed.

CRL.M.C. 4294/2018

1. The petitioners seek quashing of FIR No. 376 of 2015 under Sections 498A/406/34 of the IPC registered at Police Faras Bazar, Shahdara, Delhi, based on a settlement. It is contended that the FIR was lodged consequent to a matrimonial discord.

2. Learned counsels for the parties submit that the parties have settled their disputes by way of a settlement held before Delhi Mediation Centre, Karkardooma on 21.04.2018.

3. As per the settlement, it is agreed that the petitioner no. 1 shall pay an amount of Rs. 25,000/- per month for the maintenance of the minor child, in addition to a lump sum amount of Rs. One lakh. Said amount of Rs. One lakh has already been paid. It has been further agreed that the maintenance amount of Rs. 25,000/- shall be increased as per rules or proportionate to the increase in the salary of petitioner no. 1 on yearly basis.

4. Learned counsel for the parties submit that though the parties are not divorced, but they are living separately by mutual consent.

5. It is further agreed between the parties that the custody of the minor child shall remain with respondent no. 2. The petitioner no. 1, who is

present in Court submits that he shall not claim any right contrary to the settlement terms. The undertaking is accepted.

6. Respondent no. 2 who is present in court in person, represented by her counsel and identified by the Investigating Officer, 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.

7. 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 therefrom.

8. In view of the above, the petition is allowed. FIR No. 376 of 2015 under Sections 498A/406/34 of the IPC registered at Police Faras Bazar, Shahdara, Delhi and the consequent proceedings therefrom are, accordingly quashed.

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

SANJEEV SACHDEVA, J

AUGUST 27, 2018
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