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

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Judgment delivered on: 27.08.2018

+ CRL.M.C. 4330/2018

RAVI KUMAR

..... Petitioner

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner :

Mr. Gaurav Singh, Advocate with petitioner in person.

For the Respondents:

Ms. Neelam Sharma, APP for the State.

ASI Aman, PS CWC/Nanak Pura.

Ms. Preeti, Advocate for R-2 with R-2 in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

27.08.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A.30781/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 4330/2018

1. The petitioner seeks quashing of FIR No.100/2009 under Sections 498A/406/34 IPC, Police Station Crime (Women) Cell, Nanakpura.
2. The subject FIR emanates out of matrimonial discord. Petitioner is the husband of respondent No.2.

3. Learned counsel for the petitioner points out that by order dated 06.07.2012, the Trial Court had taken cognizance of the offence only against the present petitioner and discharged the other accused named in the FIR. By order dated 20.10.2012, the Revisional Court summoned the other co-accused. Order of the Revisional Court dated 20.10.2012, summoning the other co-accused, was challenged by the other co-accused in Crl.M.C. 614/2013 and by order dated 29.01.2016, the said summoning order dated 20.10.2012 of the Revisional Court was set aside and the matter was remitted back to the Trial Court for reconsideration.

4. Learned counsel for the petitioner submits that it is at this stage that the parties negotiated and arrived at a settlement. He submits that since the Revisional Court had not reconsidered the matter after the order of remit, the order of the Trial Court dated 06.07.2012, summoning only the petitioner, stands and there is no other order summoning the other co-accused named in the FIR.

5. He further submits that the statement of the parties on the Second Motion has been recorded on 24.08.2018 and the matter is reserved for pronouncement of the order by the Court.

6. Learned counsel for the parties further submit that the parties have settled their disputes. The settlement was recorded before the Trial Court on 09.01.2018. As per the settlement, the respondent No.2 was to be paid a total sum of Rs.7,00,000/- in full and final settlement of all her claims. A sum of Rs.4,50,000/- has already been paid. The balance sum of Rs.2,50,000/- has been paid to the respondent No.2 today through online

transaction through RTGS.

7. 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 petitioner and does not wish to press charges against the petitioner and prosecute the complaint any further.

8. 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, 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.

9. In view of the above, the petition is allowed. FIR No.100/2009 under Sections 498A/406/34 IPC, Police Station Crime (Women) Cell, Nanakpura and the consequent proceedings emanating there from are quashed.

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

SANJEEV SACHDEVA, J

AUGUST 27, 2018
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