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

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Judgment delivered on: 05.09.2018

+ W.P.(CRL) 2631/2018

AMIT MALIK & ORS.

..... Petitioners

versus

THE STATE & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Roshan Lal Saini and Ms. Kavita Saini,
Advocates.

For the Respondent : Ms. Iti Pandey, Advocate for Ms. Nandita Rao,
Advocate for State with W/ASI Sunita

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

05.09.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl. M.A. 31347-48 (Exemption)

Allowed, subject to all just exceptions.

W.P.(CRL) 2631/2018

1. Learned counsel for the petitioners prays for exemption from personal appearance on behalf of petitioner no. 2 & 3. Learned counsel submits that petitioner no. 2 and 3 are father and mother of petitioner no.

1 and on account of their health condition, they could not be present personally in Court. Their affidavits in support of the petition have been filed. In view of the above, petitioner no. 2 and 3 are granted exemption from personal appearance.

2. The petitioners seek quashing of FIR No. 142 of 2016 under Sections 498A/406/34 IPC registered at Police Station Crime (Women) Cell, Nanakpura, New Delhi.

3. The subject FIR emanates out of matrimonial discord. Petitioner No.1 is the husband of respondent No.2. Petitioner No.2 and 3 are the father-in-law and mother-in-law of the respondent No.2, respectively. Petitioners No.4 to 6 are the other family members of petitioner no. 1.

4. Learned counsel for the petitioners submits that the parties have settled their disputes before the Counselling Cell, Family Court, Saket on 15.09.2016. The parties have already been divorced by way of a decree of divorce by mutual consent, passed on 23.03.2018.

5. The respondent No.2 was to be paid a total sum of Rs. 4,50,000/- in full and final settlement of all her claims. A sum of Rs. 2,50,000/- has already been paid and the balance sum of Rs.2,00,000/- has been paid to the respondent No.2 by way of Demand Draft No.000976 dated 13.07.2018 drawn on ICICI Bank, today in Court.

6. The respondent No.2 is present in person 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 by mutual consent, passed on 23.03.2018, 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. 142 of 2016 under Sections 498A/406/34 IPC registered at Police Station Crime (Women) Cell, Nanakpura, New Delhi and the consequent proceedings emanating there from are quashed.

9. The writ petition is disposed of in the above terms.

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

SANJEEV SACHDEVA, J

SEPTEMBER 05, 2018

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