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

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Judgment delivered on: 25.09.2018

+ CRL.M.C. 4893/2018

AJAY SHARMA & ORS.

..... Petitioners

versus

THE STATE OF DELHI & ANR.

..... Respondents

**Advocates who appeared in this case:**

For the Petitioner : Mr. Ram Pal Singh, Adv.

For the Respondent: Mr. Raghuvinder Verma,, Addl. PP for  
the State with ASI Yogender Singh  
Mr. Dinesh Kumar, Advocate for R-2 with R-2 in  
person.

**CORAM:-**

**HON'BLE MR JUSTICE SANJEEV SACHDEVA**

**JUDGMENT**

**25.09.2018**

**SANJEEV SACHDEVA, J. (ORAL)**

1. Petitioners seek quashing of FIR No. 535 of 2016 under Sections 498A/406/34 of the IPC registered at Police Station Shakarpur, 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 parties have entered into a settlement before the Delhi Mediation Centre,

Karkardooma Courts, Delhi on 17.06.2016. Parties have already been divorced by way of a decree of divorce by mutual consent, passed on 21.02.2017.

3. As per the settlement, a total sum of Rs. 6,00,000/- has been agreed to be paid to respondent no. 2. A sum of Rs. 3,00,000/- has already been paid and the balance sum of Rs. 3,00,000/- has been paid in the form of Fixed Deposit Receipt by depositing the same in favour of the minor son under the guardianship of respondent no. 2- mother. The original FDR has been handed over to respondent no. 2.

4. As per the settlement, the permanent custody of minor child shall remain with respondent No.2. Petitioners who are present in Court undertake that they shall not claim any rights contrary to the settlement terms. The undertaking is accepted.

5. 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 criminal charges against the petitioners any further.

6. 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.

7. In view of the above, the petition is allowed. FIR No. 535 of 2016 under Sections 498A/406/34 of the IPC registered at Police Station Shakarpur, Delhi and the consequent proceedings emanating there from are, accordingly quashed.

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

**SEPTEMBER 25, 2018**  
'rs'

**SANJEEV SACHDEVA, J**