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

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Judgment delivered on:01.10.2018

+ CRL.M.C. 4754/2018

J L VARSHNEY & ORS

..... Petitioners

versus

STATE (NCT OF DELHI) & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Anil Kumar, Advocate.

For the Respondents : Mr. Kewal Singh Ahuja, APP for State.
Ms. Sushila Singh, Advocate for complainant
with complainant in person.
ASI Pramod Kumar, PS CAW Cell.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

01.10.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A.32344/2018 (exemption)

Exemption is allowed subject to all just exceptions.

Crl.M.A.32345/2018 (exemption from personal appearance of petitioner No.3)

Petitioner No.3 by this application seeks exemption from personal appearance on the ground that he is a permanent resident of

USA. He has filed his affidavit in support of the petition.

For the reasons stated in the application, the application is allowed. The petitioner No.3 is granted exemption from personal appearance.

CRL.M.C. 4754/2018

1. Petitioners seek quashing of FIR No.642/2013 under Sections 498A/406/34 IPC, Police Station Madhu Vihar, based on a settlement.
2. Subject FIR emanates out of matrimonial discord. Petitioner No.3 is the husband of respondent No.2. Petitioner Nos.1 and 2 are the father-in-law and mother-in-law of the respondent No.2.
3. Learned counsel for the petitioners submits that the parties have settled their disputes through the process of mediation held at Delhi Mediation Centre, Karkardooma Courts on 28.07.2018. The marriage between the parties have been dissolved by the decree of divorce by USA Court on 12.05.2014.
4. The respondent No.2 was to be paid a total sum of Rs.5,00,000/- in full and final settlement of all her claims. The sum of Rs.2.5 lakhs has been paid. The balance sum of Rs.2.5 lakhs has been paid by way of Demand Draft No.927619 dated 26.07.2018 drawn on Corporation Bank.
5. 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.

6. 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 marriage between the parties have been dissolved by the decree of divorce by USA Court on 12.05.2014, 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.

7. In view of the above, the petition is allowed. FIR No.642/2013 under Sections 498A/406/34 IPC, Police Station Madhu Vihar and the consequent proceedings emanating there from are quashed.

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

OCTOBER 01, 2018
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SANJEEV SACHDEVA, J