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

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Judgment delivered on:03.10.2018

+ CRL.M.C. 4782/2018

MUKESH & ORS.

..... Petitioners

versus

THE STATE & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Basant Kr. Gautam and Mr. Siddhartha Narwal,
Advocates.

For the Respondents : Mr. Hirein Sharma, APP for State with
SI Omveer Singh, PS Nand Nagri.
Mr. Vipin Kumar, Adv. for R-2 with R-2 in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

03.10.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A.32443/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 4782/2018

1. The petitioners seek quashing of FIR No. 701 of 2015 under Sections 498A/406/34 IPC registered at Police Station Nand Nagari, based on a settlement.

2. The subject FIR emanates out of matrimonial discord.

Petitioner No.1 is the husband of respondent No.2. Petitioner Nos.2 and 4 are the other family members of the petitioner no. 1.

3. Learned counsel for the petitioners submits that the parties have settled their disputes before the Counselling Cell, Family Courts, Rohini on 25.09.2017. The parties have already been divorced by way of a decree of divorce by mutual consent passed on 18.04.2018.

4. As per the settlement, the respondent No.2 was to be paid a total sum of Rs. 2 lakhs apart from return of a gold ring in full and final settlement of all her claims. A sum of Rs. 1,20,000/- has already been paid and the balance sum of Rs. 80,000/- is being paid to respondent no. 2 by way of DD No. 001451 dated 18.09.2018 issued by Axis Bank Ltd., in Court today. The gold ring has already been returned to respondent no. 2.

5. The respondent No.2 is present in person, represented by her 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 parties have

already been divorced by way of a decree of divorce by mutual consent passed on 18.04.2018, 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.

7. In view of the above, the petition is allowed of FIR No. 701 of 2015 under Sections 498A/406/34 IPC registered at Police Station Nand Nagari and the consequent proceedings emanating there from are quashed.

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

OCTOBER 03, 2018
'rs'

SANJEEV SACHDEVA, J