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

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Judgment delivered on: 10.10.2018

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CRL.M.C. 4860/2018

RAKESH DEVI & ORS

..... Petitioners

versus

STATE (GOVT OF NCT OF DELHI) & ANR..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Pravesh Kumar, Advocate.

For the Respondents : Mr. Panna Lal Sharma, APP for the State.

ASI Jagpal Singh, Sonia Vihar.

Ms. Priyanka, Advocate for R-2.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

10.10.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A.32721/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 4860/2018

1. Petitioners seek quashing of FIR No.504/2014 under Sections 354A/354B/323/509/34 IPC, Police Station Sonia Vihar.

2. Subject FIR is an offshoot of a matrimonial dispute.

Respondent No.2 is the erstwhile wife of the petitioner No.3. Petitioner Nos.1, 2, 4 and 5 are the family member of the petitioner No.3.

3. Learned counsel for the petitioners submits that the parties have settled their disputes through the process of mediation held at Delhi Mediation Centre, Karkardoom Courts and a settlement agreement dated 08.05.2018 has been executed between the parties. Petitioner No. 3 and respondent No. 2 have already been divorced by way of a decree of divorce by mutual consent, passed on 01.08.2018.

4. Respondent No.2 was to be paid a total sum of Rs.13,50,000/- in full and final settlement of all her claims. A sum of Rs.9,00,000/- has already been paid. The balance sum of Rs.4,50,000/- has been paid to the respondent No.2 by way of Demand Draft No.408795 dated 19.09.2018 drawn on Punjab National Bank for Rs.3,50,000/- and Demand Draft No.432659 dated 19.09.2018 drawn on Union Bank for Rs.1,00,000/-.

5. As per the settlement, custody of the minor daughter is to remain with the respondent No.2. The petitioners, who are present in Court in person, undertake that they shall not claim any rights contrary to the settlement terms.

6. 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 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 01.08.2018, 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.504/2014 under Sections 354A/354B/323/509/34 IPC, Police Station Sonia Vihar and the consequent proceedings emanating there from are quashed.

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

OCTOBER 10, 2018
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SANJEEV SACHDEVA, J