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

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Judgment delivered on: 24.09.2018

+ CRL.M.C. 4867/2018

PIYUSH PINCHA & ORS

..... Petitioners

versus

STATE & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Bahar U. Barqi, Adv.

For the Respondent: Mr. Hirein Sharma, Addl. PP for the State
with SI Sunil Kumar
Mr. Ajay Jain and Ms. Aastha Chopra, Adv. for R-2
with R-2 in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

24.09.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioners seek quashing of FIR No. 258 of 2015 under Sections 498A/406/34 of the IPC registered at Police Station South Rohini, Delhi, based on a settlement. It is contended that the FIR was lodged consequent to a matrimonial discord.

2. Learned counsel for the parties submit that the parties have entered into a settlement on 19.04.2018. The parties have already been

divorced by way of a decree of divorce, passed on 20.08.2018.

3. As per the settlement, a sum of Rs. 8.50 lakhs was agreed to be paid. A sum of Rs. 2 lakhs has already been paid. Bank draft/pay order No. 238513 dated 19.09.2018 for a sum of Rs. 2,50,000/- issued by Punjab National Bank has been handed over and for the balance; fixed deposit receipt in the sum of Rs. 4 lakhs in favour of the minor son through respondent no. 2 as guardian has been given to respondent no. 2 who is present in Court in person.

4. As per the settlement, the permanent custody of minor son shall remain with respondent No.2. The petitioner who is present in Court undertakes that he 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 disputes with the petitioners and is agreeable to the settlement and does not wish to press the 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. 258 of 2015 under Sections 498A/406/34 of the IPC registered at Police Station South Rohini, Delhi, and the consequent proceedings emanating there from are, accordingly quashed.

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

SANJEEV SACHDEVA, J

SEPTEMBER 24, 2018

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नस्यमेव जयते