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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. 4863/2018

YUDHVIR SINGH & ORS.

..... Petitioners

versus

STATE (NCT OF DELHI) & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner :

Mr. H.R. Khan Suhel, Mr. Abhishek Bakshi & Mr. Samar Khan, Advs.

For the Respondent:

Mr. Sanjeev Sabharwal,, Addl. PP for the State
with ASI Rajeshwar
Mr. S.N. Khanna with Ms. Geeta Khanna, Advs. for R-2
with R-2 in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

24.09.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl. M.A. 32741/2018 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 4863/2018

1. Petitioners seek quashing of FIR No. 424 of 2004 under Sections 498A/406/32 of the IPC registered at Police Station Dwarka, Sector-23, Delhi, based on a settlement. It is contended that the FIR was lodged consequent to a matrimonial discord.

2. Exemption on behalf of petitioner no. 1 is sought on the ground that he is a permanent resident of Ahmedabad and on account of certain exigency he could not travel to Delhi. He has executed special power of attorney in favour of his father-petitioner no. 2.

3. Learned counsel for the parties submit that the parties have entered into a settlement before the Delhi Mediation Centre, Dwarka Courts, Delhi on 27.04.2018. The parties have already taken divorce and a decree of divorce has been passed on 24.11.2011.

4. As per the settlement, petitioner has to pay a total sum of Rs. 60 lakhs. Rs. 40 lakhs has been deposited in the name of the minor son in Fixed Deposits. The Original FDRs are in the name of minor son through his mother as a guardian. Another sum of Rs. 20 lakhs has been paid by way of Pay Orders/DD Nos. 389113 and 611800 both dated 12.07.2018 of Rs. 10 lakhs each issued by Punjab National bank and State Bank of India, respectively.

5. Petitioners further have agreed to transfer one HIG Flat No. 153, Adarsh P.V. CGHS Limited, Princess Park, Plot No. 33, Sector-6, Dwarka, Delhi in favour of the minor son. Gift Deed dated 17.09.2018 has been duly executed and registered. Original Gift Deed has been handed over to respondent no. 2 along with original conveyance deed of the said flat.

6. As per the settlement, the permanent custody of minor son shall remain with respondent No.2. The petitioner no. 2 and 3 who are present in Court undertake on their behalf as well as on behalf of petitioner no. 1 that they shall not claim any rights contrary to the settlement terms. The

undertakings are accepted.

7. Parties further submit that with this settlement, all the disputes and all the claims of the complainants stand settled and there is no other complaint surviving against each other.

8. 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 the criminal charges against the petitioners any further.

9. 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.

10. In view of the above, the petition is allowed. FIR No. 424 of 2004 under Sections 498A/406/32 of the IPC registered at Police Station Dwarka, Sector-23, Delhi, and the consequent proceedings emanating there from are, accordingly quashed.

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

SEPTEMBER 24, 2018/‘rs’

SANJEEV SACHDEVA, J