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

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Judgment delivered on:28.09.2018

+ CRL.M.C. 4960/2018

SHYAM SUNDER & ORS.

..... Petitioners

versus

STATE & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Naushad A. Khan, Advocate.

For the Respondents : Mr. Hirein Sharma, APP for the State.
Mr. Ekram Ali Ansari, Advocate for
respondent No.2 with respondent No.2 in person.
SI Ranbir Singh, PS Neb Sarai.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

28.09.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner seeks quashing of FIR No.88/2015 under Sections 498A/406/34 IPC, Police Station Neb Sarai, based on the settlement.

2. Learned counsel for the petitioners prays for an exemption for personal appearance of petitioner No.5, who is the sister of the petitioner No.1 – husband, on the ground that she is the permanent

resident of Bombay and could not travel to Delhi. Petitioner No.5 has filed an affidavit in support of the petition.

3. In view of the above, the petitioner No.5 is granted exemption from personal appearance.

4. Subject FIR emanates out of matrimonial discord. Petitioner No.1 is the husband of respondent No.2. Petitioner Nos.2 and 3 are the mother-in-law and father-in-law of the respondent No.2. Petitioner No.4 is the brother-in-law of the respondent No.2. Petitioner No.5 is the sister-in-law of the respondent No.2.

5. Learned counsel for the petitioners submits that the parties have settled their disputes before the Family Court, Sonipat on 09.07.2018. The parties have already been divorced by way of a decree of divorce by mutual consent, passed on 09.07.2018.

6. The respondent No.2 was to be paid a total sum of Rs.12,25,000/- in full and final settlement of all her claims. The entire sum of Rs.12,25,000/- has already been paid.

7. 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.

8. 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 09.07.2018, 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.

9. In view of the above, the petition is allowed. FIR No.88/2015 under Sections 498A/406/34 IPC, Police Station Neb Sarai and the consequent proceedings emanating there from are quashed.

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

SEPTEMBER 28, 2018
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SANJEEV SACHDEVA, J