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

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Judgment delivered on:04.10.2018

+ CRL.M.C. 5067/2018

GAURAV SACHDEVA & ANR

..... Petitioners

versus

STATE & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Anil Khosla, Adv. with petitioner in person.

For the Respondents : Mr. Kamal Kr. Ghai, Addl. PP for the State with SI
Vijay Kumar

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

04.10.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioners seek quashing of FIR No. 435 of 2012 under Sections 498A/406/34 IPC registered at Police Station Prashant Vihar, based on a settlement.

2. Subject FIR emanates out of matrimonial discord.

3. Learned counsel for the petitioners submits that the parties have settled their disputes before the Delhi Mediation Centre, Rohini

Courts on 01.05.2018. The parties have already been divorced by way of a decree of divorce by mutual consent passed on 31.05.2018.

4. As per the settlement, the respondent No.2 was to be paid a total sum of Rs. 1.50 lakhs in full and final settlement of all her claims. A sum of Rs. 1,00,000/- has already been paid and the balance sum of Rs. 50,000/- is being paid to respondent no. 2 by way of DD No. 207573 dated 25.09.2018 issued by Indian Bank, in Court today.

5. As per the settlement the minor child shall remain in the permanent custody of respondent No.2. Petitioners who are present in Court undertake that they shall not claim any rights contrary to the settlement terms. The undertaking is accepted.

6. The respondent No.2 is present in person 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 31.05.2018, 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 of FIR No. 435 of 2012 under Sections 498A/406/34 IPC registered at Police Station Prashant Vihar and the consequent proceedings emanating there from are quashed.

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

OCTOBER 04, 2018
'rs'

SANJEEV SACHDEVA, J

नस्यमेव जयते