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

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Judgment delivered on:15.10.2018

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

+ CRL.M.C. 5305/2018

+ CRL.M.C. 5312/2018

KARAN TALWAR

..... Petitioner

versus

STATE (NCT OF DELH) & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Jagdeep Singh Bakshi with Mr. Amitesh Singh Bakshi, Advocates.

For the Respondents : Mr. Mukesh Kumar, APP for the State.
SI Vikram Singh, PS Rajouri Garden in
Crl.M.C.5305/2018.
SI Amit Kundu, PS Moti Nagar in Crl.M.C.5312/2018.
Mr. Rohan Sharma, Advocate with
respondent No.2 in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

15.10.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A.34395/2018 (exemption) in CRL.M.C. 5305/2018

Crl.M.A.34412/2018 (exemption) in CRL.M.C. 5312/2018

Exemptions are allowed subject to all just exceptions.

CRL.M.C. 5305/2018 & CRL.M.C. 5312/2018

1. Petitioner in Crl.M.C.5305/2018 seeks quashing of FIR

No.372/2016 under Sections 498A/34/323/406/499/504 IPC, Police Station Moti Nagar and he in Crl.M.C.5312/2018 seeks quashing of FIR No.740/2016 under Sections 323/341/506 IPC, Police Station Rajouri Garden.

2. Subject FIR emanates out of matrimonial discord. Petitioner is the husband of respondent No.2.

3. Learned counsel for the petitioner submits that the parties have settled their disputes before the Counselling Cell, Tis Hazari Courts and a Settlement Deed dated 08.12.2017 has been executed between the parties. Parties have already been divorced by way of a decree of divorce by mutual consent, passed on 16.03.2018.

4. Respondent No.2 was to be paid a total sum of Rs.11,00,000/- in full and final settlement of all her claims. A sum of Rs.8,00,000/- has already been paid. Balance sum of Rs.3,00,000/- has been paid to the respondent No.2 by way of Demand Draft No.821209 dated 04.06.2018 (revalidated on 10.09.2018) drawn on Punjab National Bank.

5. 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 petitioner and does not wish to press charges against the petitioner and prosecute the complaint any further.

6. She further undertakes that she has no right, title or claim in respect of the flat constructed at Plot No.11, Chatarpur Extension, New Delhi. She further undertakes that if any further document etc. is necessary in terms of

the settlement agreement, same shall be provided by her. The undertaking is accepted.

7. In view of the fact that the proceedings emanate out of a matrimonial discord and 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 16.03.2018., 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 petitions are allowed. FIR No.372/2016 under Sections 498A/34/323/406/499/504 IPC, Police Station Moti Nagar and FIR No.740/2016 under Sections 323/341/506 IPC, Police Station Rajouri Garden and the consequent proceedings emanating there from are quashed.

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

OCTOBER 15, 2018
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SANJEEV SACHDEVA, J