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

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Judgment delivered on:11.10.2018

+ CRL.M.C. 5222/2018

SHAILENDER SINGH & ANR

..... Petitioners

versus

THE STATE & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. S.R. Gupta, Adv.

For the Respondents : Mr. Sanjeev Sabharwal, Addl. PP for the State with
SI Vijay Kumar
Ms. Nirmal Chawla, Adv. for R-2 with R-2 in
person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

11.10.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioners seek quashing of FIR No. 304 of 2005 under Sections 498A/406/34 of the IPC registered at Police Station Farsh Bazar, Delhi, based on a settlement.

2. Subject FIR emanates out of matrimonial discord.

3. Learned counsel for the petitioners submits that parties have settled their disputes and settlement dated 03.07.2017 has been arrived

at between the parties before Delhi Mediation Centre, Karkardooma Courts, Delhi. The marriage between petitioner no. 1 and respondent no. 2 has been dissolved by way of decree of divorce by mutual consent dated 24.05.2018.

4. As per the settlement, a total sum of Rs. 8,50,000/- has been agreed to be paid by the petitioners to respondent no. 2 in full and final settlement of all the claims of respondent no. 2. A sum of Rs. 7 lakhs has already been paid and the balance sum of Rs. 1,50,000/- is being paid today by way of DD/Bankers Cheque No. 566473 dated 19.07.2018 issued by Dhanlaxmi Bank Ltd. to respondent no. 2, today in Court.

5. As per the settlement, the minor daughters shall remain in permanent custody of respondent no.2. The petitioners who are present in person undertake that they shall not claim any right contrary to the settlement terms. The undertaking is accepted.

6. Respondent No.2 is present in person, represented by her 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.

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, passed on 24.05.2018, 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. FIR No. 304 of 2005 under Sections 498A/406/34 of the IPC registered at Police Station Farsh Bazar, Delhi, and the consequent proceedings emanating there from are quashed.

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

OCTOBER 11, 2018
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SANJEEV SACHDEVA, J