

\$~80

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

%

Judgment delivered on:11.10.2018

+ CRL.M.C. 5216/2018

GAJENDER SINGH & ORS

..... Petitioners

versus

STATE (NCT OF DELHI) & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Ms. D.K. Sharma, Adv.

For the Respondents : Mr. Kewal Singh Ahuja, Addl. PP for the State
with SI Sanjogita
Mr. Rohit Dahiya, Adv. for R-3 with R-3 in
person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

11.10.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl. M.A. 34081/2018 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 5216/2018

1. Petitioners seek quashing of FIR No. 411 of 2016 under Sections 323/354/377/506/34 IPC registered at Police Station Palam Village, Delhi, based on a settlement.

2. Subject FIR emanates out of matrimonial discord.
3. The allegations under Section 377 of the IPC in the FIR have been made by respondent no. 3 (wife) against her husband/petitioner.
4. Learned counsel for the petitioners submits that parties have settled their disputes and settlement dated 18.06.2018 has been arrived at between the parties before Delhi High Court Legal Service Committee Mediation, CAW Cell. Parties have amicably dissolved their marriage by mutual consent and decree of divorce dated 31.07.2018 has been passed.
5. As per the settlement, a total sum of Rs. 5,25,000/- 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. 3. A sum of Rs. 2 lakhs has already been paid and the balance sum of Rs. 3,25,000/- is being paid by way of DD/Bankers Cheque No. 046702 dated 08.10.2018 issued by Axis Bank to respondent no. 3, today in Court.
6. Respondent No.3 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 31.07.2018, 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.

8. In view of the above, the petition is allowed. FIR No. 411 of 2016 under Sections 323/354/377/506/34 IPC registered at Police Station Palam Village, Delhi and the consequent proceedings emanating there from are quashed.

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

OCTOBER 11, 2018
'rs'

SANJEEV SACHDEVA, J