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

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Judgment delivered on:16.10.2018

+ CRL.M.C. 5320/2018

NIDESH MALIK & ORS.

..... Petitioners

versus

STATE & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Ms. Urmila Yadav with Ms. Madhu Hooda, Advocates.

For the Respondent : Mr. Mukesh Kumar, APP for the State.
ASI Aman Kumar, PS CWC, Nanakpura
Respondent No.2 in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

16.10.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A.34463/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 5320/2018

1. Petitioners seek quashing of FIR No.121/2017 under Sections 498/406/34 IPC, Police Station Crime (Women) Cell, Nanakpura.
2. Subject FIR emanates out of matrimonial discord. Petitioner No.1 is the husband of respondent No.2. Petitioner Nos.2 and 3 are the father-in-law and mother-in-law of the respondent No.2.

3. Learned counsel for the petitioners submits that the parties have settled their disputes through the process of mediation held before Delhi Mediation Centre, Rohini District Court on 09.03.2018. Parties have already been divorced by way of a decree of divorce by mutual consent, passed on 08.08.2018.

4. Respondent No.2 was to be paid a total sum of Rs.9,50,000/- in full and final settlement of all her claims. A sum of Rs.4,00,000/- has already been paid. The balance sum of Rs.5,50,000/- has been paid to the respondent No.2 by way of Demand Draft No.544031 dated 01.10.2018 drawn on State Bank of India.

5. Respondent No.2 has vacated the flat bearing No.B-10/94, Sector-18, Rohini and handed over the possession of the said flat to the petitioner by handing over the keys of the said flat in Court today. The keys are accepted by the petitioner subject to verification.

6. 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 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 08.08.2018, 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.121/2017 under Sections 498/406/34 IPC, Police Station Crime (Women) Cell, Nanakpura and the consequent proceedings emanating there from are quashed.

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

OCTOBER 16, 2018
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SANJEEV SACHDEVA, J