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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. 5343/2018

NITIN RANJAN & ORS.

..... Petitioners

versus

STATE & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Ms. Trisha Mittal, Adv. along with petitioners

For the Respondents: Mr. Sanjeev Sabharwal, Addl. PP for the State with SI
Asha Singh
Ms. Aparajita Sinha, R-2 in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT
16.10.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl. M.A. 34538/2018 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 5343/2018 & Crl. M.A. 34537/2018 (stay)

1. Petitioners seek quashing of FIR No. 460 of 2015 under Sections 498A/406/34 IPC registered at Police Station Kirti Nagar, Delhi, based on a settlement.

2. Learned counsel for the petitioners submits that the petitioner no. 1 & 4 being residents of America could not be personally present. They have filed the petition through their special power of attorney. Petitioner no. 2 is present who is father of petitioner no. 1 and 4, learned counsel for petitioners prays for their exemption from personal appearance.

3. The special power of attorney has been placed on record. Petitioner no. 2 has filed an affidavit on behalf of petitioner no. 1 and 4 based on power of attorney. In view of the same, petitioner no. 1 and 4 are granted exemption from personal appearance.

4. Subject FIR emanates out of matrimonial discord.

5. Learned counsel for the petitioners submits that parties have settled their disputes and settlement deed dated 05.05.2017 has been executed between the parties. Parties have amicably dissolved their marriage by mutual consent and decree of divorce dated 18.09.2018 has been passed.

6. As per the settlement, a total sum of Rs. 4.70 crores 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. Entire sum of Rs. 4.70 crores has already been paid to respondent no. 2. Respondent no. 2 acknowledges the receipt of the same.

7. 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.

8. In view of the fact that the proceedings emanate out of a matrimonial discord and parties have fully and finally settled their disputes and 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 18.09.2018, 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.

9. In view of the above, the petition is allowed. FIR No. 460 of 2015 under Sections 498A/406/34 IPC registered at Police Station Kirti Nagar, Delhi and the consequent proceedings emanating there from are quashed.

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

SANJEEV SACHDEVA, J

OCTOBER 16, 2018

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