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

+ CRL.M.C. 4364/2017

SHAMSHAD @ SAMSHAD KHAN & ORS Petitioners

Through: Mr. Deepak Kumar, Adv.

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Through: Mr. Arun Kr. Sharma, Addl. PP for
the State with SI Ved Pal Sharma
Mr. J.A. Chaudhary, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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20.02.2018

1. The petitioners seek quashing of FIR No. 538 of 2013 under Sections 498A/406/34 of the IPC Police Station Mangolpuri, New Delhi on the basis of a settlement. It is contended that the FIR was lodged consequent to a matrimonial discord.

2. Petitioner no. 1 is the husband of respondent no. 2. Petitioner no. 2 and 3 are the parents of petitioner no. 1. Petitioner no. 4 and 5 are the sister and brother of petitioner no. 1.

3. Learned counsels for the parties submit that the parties have settled their disputes and have amicably dissolved their marriage by mutual consent and decree of divorce dated 10.11.2016 has been passed. Settlement arrived at between the parties has also been recorded in order dated 10.11.2016 before the trial court. A total sum of Rs. 1,25,000/- has been agreed to be paid to respondent no. 2. A sum of Rs. 85,000/- has

already been paid and the balance sum of Rs. 40,000/- has been paid to respondent no. 2 in cash, in court.

4. Respondent no. 2 is present in court in person, represented by her counsel and is identified by the Investigating Officer. She submits that she has settled the dispute with the petitioners and is agreeable to the settlement and does not wish to press the criminal charges against the petitioners any further.

5. In view of the fact that the disputes between the petitioners and respondent no. 2 emanate out of a matrimonial discord and have been settled, 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.

6. In view of the above, the petition is allowed FIR No. 538 of 2013 under Sections 498A/406/34 of the IPC Police Station Mangolpuri, New Delhi and the consequent proceedings therefrom are, accordingly quashed.

7. Order Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

FEBRUARY 20, 2018
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