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

+ CRL.M.C. 5143/2017

ABHINAV TIWARI & ANR.

..... Petitioners

Through: Mr. Rajiv R. Mishra and Ms. Shruti
Sharma, Advs.

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents

Through: Mr. Arun Kr. Sharma, Addl. PP for
the State with SI Sanju Rai Singh
Mr. Ashish Nayyar, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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09.03.2018

1. The petitioners seek quashing of FIR No. 22 of 2016 under Sections 498A/406/34 of the IPC Police Station Crime Against Women Cell, Nanak Pura, New Delhi, based on a settlement. It is contended that the FIR was lodged consequent to a matrimonial discord.

2. 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 30.11.2017 has been passed. A total sum of Rs. 11 lakhs has been agreed to be paid to respondent no. 2. The said amount of Rs. 11 lakhs has already been paid to respondent no. 2. Besides the settlement amount, a Demand Draft/Bankers Cheque No. 447606 dated 07.03.2018 for a sum of Rs. 35,000/- in favour of Aishwarya Sharma has been handed over to respondent no. 2 for litigation charges.

3. 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 petitioner and is agreeable to the settlement and does not wish to press the criminal charges against the petitioner any further. It is further submitted on behalf of the parties that parties had entered into the settlement before the Delhi Mediation Centre, Dwarka Courts, Delhi.

4. In view of the fact that the disputes between the petitioner 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.

5. In view of the above, the petition is allowed. FIR No. 22 of 2016 under Sections 498A/406/34 of the IPC Police Station Crime Against Women Cell, Nanak Pura, New Delhi and the consequent proceedings therefrom are, accordingly quashed.

6. Order Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

MARCH 09, 2018

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