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

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Judgment delivered on: 09.05.2018

+ CRL.M.C. 60/2018

MOHD YUSUF & ANR

..... Petitioners

versus

STATE (GOVT OF NCT DELHI) & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Sanjeev Kumar Jha with Mr. Sujeet Kumar Mishra, Advocates.

For the Respondent : Mr. Mukesh Kumar, APP for the State.
SI Preetam Singh, PS Darya Ganj.
Mr. A.C. David, Advocate for R-2.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

09.05.2018

SANJEEV SACHDEVA, J. (ORAL)

CRL.M.C. 60/2018 & Crl.M.A.220/2018 (stay)

1. Petitioners seek quashing of FIR No.670/2007 under Sections 325/34 IPC, Police Station Darya Ganj, Delhi, based on a settlement.

2. Petitioner No.1 is the father of the wife of the respondent No.2/complainant. Petitioner No.2 is the brother of the wife of the respondent No.2/complainant. Petitioners are present in Court in

person.

3. Subject FIR is an offshoot of a matrimonial dispute between the complainant and his wife and the family of the complainant and the family of complainant's wife. It is pointed out that apart from the subject FIR there were several other cases/FIRs *inter se* the parties.

4. Parties settled their disputes and entered into a settlement agreement dated 05.07.2017 before the Mediation & Conciliation Centre, High Court of Judicature at Allahabad, Lucknow Bench, Lucknow.

5. Consequent to the settlement between the parties before the Mediation & Conciliation Centre, on 05.07.2017, parties had approached the High Court of Judicature at Allahabad, Lucknow Bench for the purposes of quashing of all proceedings, by an application under Sections 482/378/407 numbered as 6905/2017. All proceedings *inter se* the parties were quashed by order dated 25.10.2017.

6. It is pointed out that the parties had, in the said application filed before the High Court of Judicature at Allahabad, Lucknow Bench, also sought quashing of the subject FIR, i.e., FIR No.670/2007 under Sections 325/34 IPC, Police Station Darya Ganj and the said prayer was allowed and even the subject FIR and all consequent proceedings were quashed.

7. Learned counsel for the parties submit that judgment dated 07.04.2017 has held the petitioners guilty in the subject FIR and convicted the petitioner for an offence under Sections 325/34 IPC.

8. Learned counsel for the petitioners relies on the decision of the Division Bench of the Bombay High Court in the case titled *Kiran Tulshiram Ingale vs. Anupama P. Gaikwad*: 2006 CrL. L. J. 4591 to contend that, in appropriate cases, the High Court would be empowered to quash the proceedings even after conviction.

9. Respondent No.2, who is present in Court in person, submits that he does not wish to press his complaint and has no objection if the subject FIR and the consequent proceedings emanating there from are quashed.

10. It is observed from the record that the subject FIR emanated out of a matrimonial discord between the two families. The parties have settled all their disputes and all proceedings *inter se* the parties have been quashed. Even the subject FIR became part of the quashing application as well as the order of the High Court of Judicature at Allahabad, Lucknow Bench, though, inadvertently, this fact was not brought to the notice of the High Court of Judicature at Allahabad, Lucknow Bench. Be that as it may. I am in agreement with the decision of the Bombay High Court in *Kiran Tulshiram Ingale* (supra) that the prime object is to allow the parties to settle their matrimonial disputes and the offshoot of the said litigation.

11. In the present case, all disputes between the parties already stand resolved. The complainant does not wish to press charges against the petitioner and has no objection to the quashing of the subject FIR and all consequent proceedings. In my view, the consequent proceedings in a case like the present one would also include the proceedings consequent to an order on conviction and the High Court, in appropriate cases, more particularly the cases which are offshoot of matrimonial dispute, would be empowered to exercise jurisdiction under Section 482 Cr.P.C. to quash the proceedings to restore peace and harmony between the families and in the interest of justice.

12. In view of the above, the petition is allowed. FIR No.670/2007 under Section 325/34 IPC, Police Station Darya Ganj, Delhi is quashed and, consequently, the judgment dated 07.04.2017 is set aside.

13. Order *Dasti* under signatures of Court Master.

SANJEEV SACHDEVA, J

MAY 09, 2018
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