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

+ **CRL.M.C. 5449/2017**

SAMEER SAIFI @ MOUSHIN & ORS Petitioners

Through Mr. J.A. Chaudhary with Mr. M.K.
Parvez, Advocates.

versus

STATE (NCT OF DELHI) & ANR Respondents

Through Mr. Mukesh Kumar, APP for the
State.
SI Naresh Kumar, PS Geeta Colony.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **02.04.2018**

Crl.M.A.21248/2017 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 5449/2017

1. The petitioners seek quashing of FIR No.278/2010 under Sections 498-A/406/34 IPC, Police Station Geeta Colony based on a settlement.
2. The subject FIR emanates out of matrimonial discord. Petitioner No.1 is the husband of respondent No.2. Petitioner Nos.2 and 3 are the relations of the petitioner No.1.
3. Learned counsel for the petitioners submits that the parties have settled their disputes and have entered into a settlement agreement dated 4.12.2017. The parties have already been divorced according to Muslim Law. It has been agreed that the minor child shall remain in the permanent

custody of the respondent No.2. The petitioners are present in person and they undertake that they shall not claim any rights contrary to the terms agreed to in the Settlement Agreement.

4. The respondent No.2 was to be paid a total sum of Rs.5,00,000/- in full and final settlement of all her claims. The entire amount already stands paid.

5. The 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.

6. In view of the fact that the proceedings emanate out of a matrimonial discord and the 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, 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.

7. In view of the above, FIR No.278/2010 under Sections 498-A/406/34 IPC, Police Station Geeta Colony and the consequent proceedings emanating there from are quashed.

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

SANJEEV SACHDEVA, J

APRIL 02, 2018/st