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

+ **CRL.M.C. 1372/2018**

MOHD.SHAKIR & ORS.

..... Petitioners

Through : Mr Amit Vashisht, Advocate.

versus

STATE & ANR.

..... Respondent

Through : Mr Mukesh Kumar, Addl. PP
for the State.
SI Jaivind Kumar, PS Kalyanpuri,
Delhi.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **19.03.2018**

Crl.M.A.4992/2018(exemption)

Allowed, subject to all just exceptions.

Crl.M.A.4993/2018(delay in re-filing for 64 days)

For the reasons stated in the application, the application is allowed. The delay in re-filing the petition is condoned.

CRL.M.C. 1372/2018

1. By this petition, the petitioner seeks quashing of FIR No.904/2015 under Sections 406/498A/34 IPC, Police Station Kalyanpuri.

2. The subject FIR emanates out of matrimonial discord.

Petitioner No.1 is the husband of respondent No.2. Petitioner Nos.2 & 3 are the parents of petitioner No.1.

3. Parties have settled their dispute. The Memorandum of Settlement dated 01.11.2017 has been executed between the parties.

4. Respondent No.2 is present in person and is identified by the Investigating Officer. She confirms that the settlement has taken place before Delhi Mediation Centre, Karkardooma Courts, Delhi, and further that the marriage between the parties has been dissolved by decree of divorce on 08.08.2017. A total sum of Rs.80,000/- was to be paid to respondent No.2. A sum of Rs.40,000/- has already been paid and balance amount of Rs.40,000/- has been paid in cash today, which is accepted by respondent No.2 in the Court today.

5. In view of the above and keeping in view of the fact that FIR emanates from matrimonial discord and the parties have resolved their dispute through a Memorandum of Settlement dated 01.11.2017 before Delhi Mediation Centre, Karkardooma Courts, Delhi, and respondent No. 2 does not wish to press her complaint, 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. Accordingly, FIR No. 904/2015 under Sections 406/498A/34 IPC, Police Station Kalyanpuri and the consequent proceedings

emanating therefrom are hereby quashed.

7. It is informed by respondent No.2 that some of the dowry articles returned by the petitioner are lying in the Police Station Malkhana. Petitioner is also present in person. He submits that he has no objection that if any dowry article lying in the Police Station Malkhana, is released to respondent No.2.

8. Since the subject FIR has been quashed, the dowry articles, if any, which may be lying in the Police Station Malkhana, be released to respondent No.2 within a period of ten days from today.

9. Order Dasti under signatures of Court Master.

SANJEEV SACHDEVA, J

MARCH 19, 2018

‘Sd’