
(2018) 10 DEL CK 0218

In the Delhi High Court

Case No : Criminal Miscellaneous CaseNo.5216 OF 2018

Gajender Singh & Ors

APPELLANT

Vs

State (NCT Of Delhi) & Ors

RESPONDENT

Date of Decision : 11-10-2018

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 354, 377, 506

Citation : (2018) 10 DEL CK 0218

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Final Decision : Allowed

Judgement

SANJEEV SACHDEVA, J

Crl. M.A. 34081/2018 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 5216/2018

1. Petitioners seek quashing of FIR No. 411 of 2016 under Sections 323/354/377/506/34 IPC registered at Police Station Palam Village, Delhi, based on a settlement.

2. Subject FIR emanates out of matrimonial discord.

3. The allegations under Section 377 of the IPC in the FIR have been made by respondent no. 3 (wife) against her husband/petitioner.

4. Learned counsel for the petitioners submits that parties have settled their disputes and settlement dated 18.06.2018 has been arrived at between the parties before Delhi High Court Legal Service Committee Mediation, CAW Cell. Parties have amicably dissolved their marriage by mutual consent

and decree of divorce dated 31.07.2018 has been passed.

5. As per the settlement, a total sum of Rs. 5,25,000/- has been agreed to be paid by the petitioners to respondent no. 2 in full and final settlement of

all the claims of respondent no. 3. A sum of Rs. 2 lakhs has already been paid and the balance sum of Rs. 3,25,000/- is being paid by way of

DD/Bankers Cheque No. 046702 dated 08.10.2018 issued by Axis Bank to respondent no. 3, today in Court.

6. Respondent No.3 is present in person, represented by her counsel 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.

7. 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 by way

of a decree of divorce, passed on 31.07.2018, 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.

8. In view of the above, the petition is allowed. FIR No. 411 of 2016 under Sections 323/354/377/506/34 IPC registered at Police Station Palam

Village, Delhi and the consequent proceedings emanating there from are quashed.

9. Order Dasti under the signatures of the Court Master.