

(2018) 10 DEL CK 0062

In the Delhi High Court

Case No : Criminal Miscellaneous CaseNo.4730 OF 2018

Govind Lal & Ors

APPELLANT

Vs

State (NCT Of Delhi) & Anr

RESPONDENT

Date of Decision : 01-10-2018

Acts Referred:

Indian Penal Code, 1860 — Section 34, 406, 498A
Dowry Prohibition Act, 1961 — Section 4

Citation : (2018) 10 DEL CK 0062

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Final Decision : Allowed

Judgement

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A.32251/2018 (exemption)

Exemption is allowed subject to all just exceptions. CRL.M.C. 4739/2018

1. The petitioners seek quashing of FIR No.402/2016 under Sections 498A/406/34 IPC and Section 4 of Dowry Prohibition Act, Police Station New

Usmanpur, based on a settlement. Â

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 father-in-

law and mother-in-law of the respondent No.2. Petitioner No.4 is the sister-in-law of the respondent No.2

3. Learned counsel for the petitioners submits that the parties have settled their disputes before the Counselling Cell, Karkardooma Courts on

07.03.2018. The parties have already been divorced by way of a decree of divorce by mutual consent passed on 02.08.2018.

4. The respondent No.2 was to be paid a total sum of Rs.8,50,000/- in full and final settlement of all her claims. The total sum of Rs.8,50,000/- has already been paid.

5. As per the settlement, the permanent custody of minor child shall remain with respondent No.2. Petitioners who are present in Court undertake that they shall not claim any rights contrary to the settlement terms. The undertaking is accepted.

6. 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.

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 by mutual consent passed on 02.08.2018, 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.402/2016 under Sections 498A/406/34 IPC and Section 4 of Dowry Prohibition Act, Police Station New Usmanpur and the consequent proceedings emanating there from are quashed.

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