

(2018) 10 DEL CK 0142

In the Delhi High Court

Case No : Criminal Miscellaneous CaseNo.4741 OF 2018

Jitendra Kumar Gopalia

APPELLANT

Vs

State (NCT Of Delhi) & Anr

RESPONDENT

Date of Decision : 09-10-2018

Acts Referred:

Indian Penal Code, 1860 — Section 34, 406, 498A

Citation : (2018) 10 DEL CK 0142

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Final Decision : Allowed

Judgement

SANJEEV SACHDEVA, J

1. The petitioner seeks quashing of FIR No.1108/2014 under Sections 498A/406/34 IPC, Police Station Bindapur.

2. The subject FIR emanates out of matrimonial discord.

Petitioner is the husband of respondent No.2.

3. Learned counsel for the petitioner submits that the parties have settled their disputes before the Trial Court on 11.12.2017. Parties have already

been divorced by way of a decree of divorce by mutual consent, passed on 16.05.2018.

4. Respondent No.2 was to be paid a total sum of Rs.4,50,000/- in full and final settlement of all her claims besides return of an Alto Car K-10. A sum

of Rs.3,00,000/- has already been paid. Balance sum of Rs.1,50,000/- has been paid to the respondent No.2 by way of Demand Draft No.704983

dated 15.09.2018 drawn on State Bank of India. The vehicle Alto Car K-10 has already been returned.

5. The respondent No.2 is present in person, represented by counsel and is identified by the Investigating Officer. She submits that she has settled her disputes with the petitioner and does not wish to press charges against the petitioner 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 by way of a decree of divorce by mutual consent, passed on 16.05.2018, 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.

7. In view of the above, the petition is allowed. FIR No.1108/2014 under Sections 498A/406/34 IPC, Police Station Bindapur and the consequent proceedings emanating there from are quashed.

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