
(2018) 09 DEL CK 0064

In the Delhi High Court

Case No : Criminal Miscellaneous Case No.4584 Of 2018

Kuldeep Singh Negi & Ors

APPELLANT

Vs

State (Nct Of Delhi) & Anr

RESPONDENT

Date of Decision : 11-09-2018

Acts Referred:

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

Citation : (2018) 09 DEL CK 0064

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Final Decision : Allowed

Judgement

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A. 31744/2018 (exemption)

Exemption is allowed subject to all just exceptions

Crl.M.C.4584/2018 &Crl.M.A. 31743/2018

1. The petitioners seek quashing of FIR No.7/2016 under Sections 498A/406/34 IPC, Police Station Sangam Vihar.Â Â

2. Subject FIR emanates out of matrimonial discord.Â Â

3. Learned counsel for the petitioner seeks exemption from personal appearance of petitioner no.5. Petitioner no.5 is the sister-inlaw of the

complainant and is presently in Tokyo.Â It is submitted that she has executed a power of attorney in favour of her brother, petitioner no.1.Â

Petitioner no.1 who is present in court in person submits that he represents her in the present petition as well.Â

4. In view of the above, petitioner no.5 is granted exemption from personal appearance.Â

5. Learned counsel for the petitioners submits that the parties have settled their disputes through the process of mediation held before Delhi

Mediation Centre, Saket Court, Delhi on 21.02.2018. The parties have already been divorced by way of a decree of divorce passed on 03.07.2018.

6. As per the settlement, the petitioner has agreed to pay a sum of Rs.4,00,000/- to respondent no. 2 towards full and final settlement of all her claims. A sum of Rs.2,75,000/- has already been paid. The balance sum of Rs.1,25,000/- has been paid to the respondent No.2 by way of

Demand Draft No.698689 dated 16.07.2018 drawn on Bank of India.

7. 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 petitioners and does not wish to press charges against the petitioners and prosecute the complaint any further.

8. 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 03.07.2018, 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.

9. In view of the above, the petition is allowed FIR No.7/2016 under Sections 498A/406/34 IPC, Police Station Sangam Vihar and the consequent

proceedings emanating there from are quashed.

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