

(2018) 08 DEL CK 0172

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 3803 OF 2018

Mr. Prashant Chaudhary & Ors

APPELLANT

Vs

State (Nct Of Delhi) & Anr

RESPONDENT

Date of Decision : 09-08-2018

Acts Referred:

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

Citation : (2018) 08 DEL CK 0172

Hon'ble Judges : SANJEEV SACHDEVA, J

Bench : Single Bench

Final Decision : Allowed

Judgement

SANJEEV SACHDEVA, J. (ORAL)

Crl. M.A. 28980/2018(exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 3803/2018

1. The petitioners seek quashing of FIR No.716 of 2016 under Sections 498A/406/34 IPC, Police Station Bindapur, based on a settlement. It is contended that the FIR

was lodged consequent to a matrimonial discord.

2. As per the settlement, a total sum of Rs. 18,40,000/- was agreed to be paid to respondent no. 2. The amount of Rs. 9,00,000/-has already been paid to respondent no.

2. The balance amount of Rs.9,40,000/- has been paid by way of Demand draft No.568481 dated 07.08.2018 drawn on Canara Bank.

3. Learned counsels for the parties submit that the parties have settled their disputes and have amicably dissolved their marriage by mutual consent and

decree of

divorce dated 20.04.2018 has been passed. It is further submitted on behalf of the parties that parties had entered into the settlement before the Family Court, Dwarka

Courts, New Delhi dated 30.06.2017.

4. Learned counsels for the parties inform that other disputes between the parties have also been resolved and proceedings have been concluded on the basis of the

subject settlement.

5. Respondent no. 2 who is present in court in person and represented by counsel, is identified by the IO. Respondent no. 2 submits that she has settled the dispute

with the petitioners and is agreeable to the settlement and does not wish to press the criminal charges against the petitioners any further.

6. In view of the fact that the disputes between the petitioner and respondent no. 2 emanate out of a matrimonial discord and have been settled, 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 there from.

7. In view of the above, the petition is allowed. FIR No.716 of 2016 under Sections 498A/406/34 IPC, Police Station Bindapur, and the consequent proceedings there

from are, accordingly quashed.

8. Order Dasti under signatures of the Court Master.