

(2018) 08 DEL CK 0148

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 4036 OF 2018

Nitin Sofat & Anr

APPELLANT

Vs

State (Govt Of Nct Delhi) & Anr

RESPONDENT

Date of Decision : 10-08-2018

Acts Referred:

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

Citation : (2018) 08 DEL CK 0148

Hon'ble Judges : SANJEEV SACHDEVA, J

Bench : Single Bench

Final Decision : Allowed

Judgement

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A.29742/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 4036/2018

1. The petitioners seek quashing of FIR No.923/2014 under Sections 406/498A/34 IPC, Police Station Kalkaji.

2. Subject FIR emanates out of matrimonial discord. Petitioner No.1 is the husband of respondent No.2. Petitioner No.2 is the mother-in-law of the respondent No.2.

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

Centre, Saket Courts on 25.05.2017. The parties have already been divorced by way of a decree of divorce by mutual consent, passed on 17.04.2018.

4. The respondent No.2 was to be paid a total sum of Rs.3,85,000/- in full and final settlement of all her claims. A sum of Rs.2,60,000/- has already

been paid. The balance sum of Rs.1,25,000/- has been paid to the respondent No.2 in cash today outside the Court.

5. Respondent No.2 is present in person, represented by counsel and is identified by the Investigating Officer. She confirms that she has received the

entire amount. 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.

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 17.04.2018, 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.923/2014 under Sections 406/498A/34 IPC, Police Station Kalkaji and the consequent

proceedings emanating there from are quashed.

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