
(2018) 10 DEL CK 0170

In the Delhi High Court

Case No : Criminal Miscellaneous CaseNo.4860 OF 2018

Rakesh Devi & Ors

APPELLANT

Vs

State (Govt Of NCT Of Delhi) & Anr

RESPONDENT

Date of Decision : 10-10-2018

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 354A, 354B, 509

Citation : (2018) 10 DEL CK 0170

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Final Decision : Allowed

Judgement

SANJEEV SACHDEVA, J

Crl.M.A.32721/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 4860/2018

1. Petitioners seek quashing of FIR No.504/2014 under Sections 354A/354B/323/509/34 IPC, Police Station Sonia Vihar.

2. Subject FIR is an offshoot of a matrimonial dispute.

Respondent No.2 is the erstwhile wife of the petitioner No.3. Petitioner Nos.1, 2, 4 and 5 are the family member of the petitioner No.3.

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

Centre, Karkardoom Courts and a settlement agreement dated 08.05.2018 has been executed between the parties. Petitioner No. 3 and respondent

No. 2 have already been divorced by way of a decree of divorce by mutual consent, passed on 01.08.2018.

4. Respondent No.2 was to be paid a total sum of Rs.13,50,000/- in full and final settlement of all her claims. A sum of Rs.9,00,000/- has already been

paid. The balance sum of Rs.4,50,000/- has been paid to the respondent No.2 by way of Demand Draft No.408795 dated 19.09.2018 drawn on Punjab

National Bank for Rs.3,50,000/- and Demand Draft No.432659 dated 19.09.2018 drawn on Union Bank for Rs.1,00,000/-.

5. As per the settlement, custody of the minor daughter is to remain with the respondent No.2. The petitioners, who are present in Court in person,

undertake that they shall not claim any rights contrary to the settlement terms.

6. 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.

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 01.08.2018, 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.504/2014 under Sections 354A/354B/323/509/34 IPC, Police Station Sonia Vihar and the

consequent proceedings emanating there from are quashed.

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