

(2018) 08 DEL CK 0467

In the Delhi High Court

Case No : Criminal Miscellaneous Case No..4334 Of 2018

Sh. Amit Raj & Ors

APPELLANT

Vs

State (N.C.T. Of Delhi) & Anr

RESPONDENT

Date of Decision : 27-08-2018

Acts Referred:

Indian Penal Code, 1860 — Section 34, 406, 498A
Dowry Prohibition Act, 1961 — Section 4

Citation : (2018) 08 DEL CK 0467

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Arun Kumar, Raghav Kumar Tiwari, Raghuvender Verma

Final Decision : Allowed

Judgement

SANJEEV SACHDEVA, J. (ORAL)

CrI.M.A.30789/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 4334/2018

1. The petitioners seek quashing of FIR No.615/2016 under Sections 498A/406/34 IPC and Section 4 Dowry Prohibition Act, Police Station

Seemapuri.

2. The subject FIR emanates out of matrimonial discord. Petitioner No.1 is the husband of respondent No.2. Petitioner No.2 is the father-in-law of the

respondent No.2. Petitioner No.3 is the mother-in-law of the respondent No.2. Petitioner No.4 is the brother-in-law of the respondent No.2. Petitioner

No.5 is the sister-in-law of the respondent No.2.

3. Learned counsel for the petitioners submits that the disputes between the

parties have been settled through the process of mediation held before Delhi Mediation Centre, Karkardooma Courts on 16.03.2017. The parties have already been divorced by way of a decree of divorce by mutual consent, passed on 13.12.2017.

4. As per the settlement, the respondent No.2 was to be paid a total sum of Rs.8,00,000/- in full and final settlement of all her claims. A sum of Rs.5,00,000/- has already been paid. The balance sum of Rs.3,00,000/- has been paid to the respondent No.2 by way of Demand Draft No.142112 dated 21.08.2018 drawn on Standard Chartered Bank.

5. The respondent No.2 is present in person 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.

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 13.12.2017, 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.615/2016 under Sections 498A/406/34 IPC and Section 4 Dowry Prohibition Act, Police

Station Seemapuri and the consequent proceedings emanating there from are quashed.

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