

(2018) 07 DEL CK 0104
In the Delhi High Court
Case No : Crl.M.C. 3287 Of 2018

Sunil Garg & Ors

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 04-07-2018

Acts Referred:

Indian Penal Code 1860 — Section 34, 323, 406, 498A, 509

Citation : (2018) 07 DEL CK 0104

Hon'ble Judges : SANJEEV SACHDEVA, J

Bench : Single Bench

Final Decision : Allowed

Judgement

SANJEEV SACHDEVA, J.

Crl. M.A. No. 11900/2018 (Exemption)

Allowed, subject to all just exceptions.Â

CRL.M.C. 3287/2018Â

1. Learned counsel for the petitioners submits that on account of a typographical error in the petition, the name of the Police Station has been

mentioned as Begum Pur whereas the name of the Police Station is Sultan Puri. He submits that copy of the FIR has been annexed which shows the

correct name of the Police Station i.e. Sultan Puri.Â

2. The petitioners seek quashing of FIR No. 483 of 2017 under Sections 498A/406/323/509/34 of the IPC, Police Station Sultan Puri, New Delhi,

based on a settlement. It is contended that the FIR was lodged consequent to a matrimonial discord.Â

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 25.05.2018 has been passed. It is further submitted on behalf of the parties that parties had entered into the settlement

before the Delhi Mediation Centre, Rohini Courts, New Delhi on 25.09.2017.Â Â

4. As per the settlement, a total sum of Rs. 80 lakhs has been agreed to be paid to respondent no. 2. The said sum of Rs. 80 lakhs has already been

paid to the respondent No.2 in two instalments of Rs. 40 lakhs each at the time of recording of the First Motion as well as the Second Motion,

respectively.Â

5. It is also stated that one of the co-accused i.e. Shri Dharampal Gupta has expired on 29.11.2017. His death certificate has been placed on

record.Â

6. Respondent no. 2 is present in court in person, represented by her counsel and is identified by the Investigating Officer. She submits that she has

settled the dispute with the petitioner(s) and is agreeable to the settlement and does not wish to press the criminal charges against the petitioner(s) any

further.Â

7. In view of the fact that the disputes between the petitioner(s) 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 therefrom.Â

8. In view of the above, the petition is allowed.Â FIR No. 483 of 2017 under Sections 498A/406/323/509/34 of the IPC, Police Station Sultan Puri,

New Delhi and the consequent proceedings therefrom are, accordingly quashed.Â

9. Order Dasti under signatures of the Court Master.