

(2018) 09 DEL CK 0085

In the Delhi High Court

Case No : Criminal Writ Petition No.411 Of 2018

Sunny Khanna & Ors

APPELLANT

Vs

State (Nct Of Delhi) & Anr

RESPONDENT

Date of Decision : 07-09-2018

Acts Referred:

Indian Penal Code, 1860 — Section 34, 406, 420, 498A

Citation : (2018) 09 DEL CK 0085

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Final Decision : Allowed

Judgement

SANJEEV SACHDEVA, J. (ORAL)

CrI.M.A.31424/2018 (exemption)

Exemption is allowed subject to all just exceptions.Â

W.P. (CRL) 411/2018 & CrI.M.A.31423/2018 (under Section 482 Cr.P.C. for directions)

1. The petitioners seek quashing of FIR No.785/2014 under SectionsÂ 498A/406/34Â IPC,Â PoliceÂ StationÂ AmarÂ Colony.Â

Additionally, Section 420 IPC has been added in the chargesheet that has been filed.Â

2. Learned counsel for the petitioner prays for exemption from personal appearance of the Petitioner No.1.Â He has executed a Special Power of

Attorney in favour of his father, who is the petitioner No.3.Â

The petitioner No.1 is stated to be the permanent resident of Canada.Â

3. In view of the above, the petitioner No.1 is granted exemption from personal appearance.Â

4. The subject FIR emanates out of matrimonial discord.Â Petitioner No.1 is the husband of respondent No.2. Petitioner Nos.2 and 3 are the mother-in-law and father-in-law of the respondent No.2. Petitioner No.4 is the sister-in-law of the respondent No.2.
5. Learned counsel for the petitioners submits that the parties have settled their disputes and a settlement agreement dated 22.04.2017 has been executed between the parties. The parties have already been divorced by way of a decree of divorce passed on 24.01.2018.
6. As per the settlement, the minor child is in the permanent custody of the petitioner No.1 â?" father.Â The respondent No.2, who is present in Court in person, undertakes that she shall not claim any rights contrary to the settlement terms.Â The undertaking is accepted.Â
7. The respondent No.2 is present in person, represented by counsel and is identified by the Investigating Officer.Â 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.Â
8. 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, passed on 24.01.2018, 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.
9. In view of the above, the petition is allowed. FIR No.785/2014 under Sections 498A/406/34 IPC, Police Station Amar Colony and the consequent proceedings emanating there from are quashed.Â
10. Order Dastiunder the signatures of the Court Master.Â
11. The next date of 13.09.2018 is cancelled.Â Â