
(2018) 10 DEL CK 0059

In the Delhi High Court

Case No : Criminal Miscellaneous CaseNo.4997 OF 2018

Yogesh Kumar & Ors

APPELLANT

Vs

State (Govt Of NCT Of Delhi) & Anr

RESPONDENT

Date of Decision : 01-10-2018

Acts Referred:

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

Citation : (2018) 10 DEL CK 0059

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Final Decision : Allowed

Judgement

SANJEEV SACHDEVA, J

Crl. M.A. 33264/2018 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 4997/2018

1. Petitioners seek quashing of FIR No. 562 of 2015 under Sections 498A/406/34 IPC and read with Section 4 of the Dowry Prohibition Act

registered at Police Station Jyoti Nagar, Delhi, based on a settlement.

2. Subject FIR emanates out of matrimonial discord.

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

Centre, Karkardooma Courts, Delhi on 21.04.2017. Petitioner No. 1 and respondent No. 2 have amicably dissolved their marriage by mutual consent

and decree of divorce dated 13.04.2018 has been passed.

4. As per the settlement, a total sum of Rs. 8 lakhs has been agreed to be paid

by the petitioners to respondent no. 2 in full and final settlement of all the claims of respondent no. 2. A sum of Rs. 5.50 lakhs has already been paid and the balance sum of Rs. 2,50,000/- is being paid today by way of DD/Bankers Cheque No. 244270 dated 10.09.2018 issued by State Bank of India to respondent no. 2, today in Court.

5. 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, passed on 13.04.2018, 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. 562 of 2015 under Sections 498A/406/34 IPC and read with Section 4 of the Dowry Prohibition Act registered at Police Station Jyoti Nagar, Delhi and the consequent proceedings emanating there from are quashed.

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