

Deepak and Anr. Vs.the State & Anr.

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SooperKanoon Citation : sooperkanoon.com/1216051

Court : Delhi

Decided On : Jul-13-2018

Appellant : Deepak and Anr.

Respondent : The State & Anr.

Judgement :

\$~46 * IN THE HIGH COURT OF DELHI AT NEW DELHI % + CRL.M.C.
3453/2018 Judgment delivered on:

13. 07.2018 DEEPAK AND ANR. THE STATE & ANR. versus

... Petitioner

S

... RESPONDENTS

Advocates who appeared in this case: For the

... Petitioner

: For the Respondent: CORAM:-

"HONBLE MR JUSTICE SANJEEV SACHDEVA Mr. Manish Kumar, Mr. C.B. Garg and Ms. Sanjeeta Tripathi, Advs. Mr. Sanjeev Sabharwal, Addl. PP for the State with SI Sanjeet Singh Mr. S. Kumar, Adv. for R-2 JUDGMENT1307.2018 SANJEEV SACHDEVA, J.

(ORAL) CrI. M.A. 12535/2018 (Exemption) Allowed, subject to all just exceptions. CRL.M.C. 3453/2018 1. The petitioners seek quashing of FIR No.146 of 2017 under Sections 498A/4

of the IPC registered at Police Station Rajouri Garden, New Delhi, based on a settlement. It is contended that the FIR was lodged consequent to a matrimonial discord. CRL.M.C. 3453/2018 Page 1 of 3 2. 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 17.01.2018 has been passed. It is further submitted on behalf of the parties that parties had entered into a Memorandum of Understanding dated 02.05.2017. As per the settlement, a total sum of Rs. 1,75,000/- has been agreed to be paid to respondent No.2. A sum of Rs. 1,25,000/- has already been paid and the balance sum of Rs. 50,000/- by way of Bankers Cheque No.375742 dated 08.06.2018 issued by State Bank of India, has been paid to respondent No.2 today in Court.

3. Respondent No.2 who is present in court in person, represented by her counsel and is identified by the Investigating Officer. Respondent No.2 submits that she has settled the dispute with the petitioners and is agreeable to the settlement and does not wish to press the criminal charges against the petitioners any further.

4. In view of the fact that the disputes between the petitioners 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 there from. CRL.M.C. 3453/2018 Page 2 of 3 5. In view of the above, the petition is allowed. FIR No.146 of 2017 under Sections 498A/4

of the IPC registered at Police Station Rajouri Garden, New Delhi and the consequent proceedings emanating there from are, accordingly quashed.

6. Order Dasti under signatures of the Court Master. JULY13 2018 rs SANJEEV SACHDEVA, J CRL.M.C. 3453/2018 Page 3 of 3