

Atul Kumar Gupta & Ors. Vs.the State & Anr.

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Court : Delhi

Decided On : Sep-05-2018

Appellant : Atul Kumar Gupta & Ors.

Respondent : The State & Anr.

Judgement :

\$~55 * IN THE HIGH COURT OF DELHI AT NEW DELHI % Judgment delivered on:

05. 09.2018 + W.P.(CRL) 2639/2018 ATUL KUMAR GUPTA & ORS.

... Petitioner

s versus THE STATE & ANR.

... RESPONDENTS

Advocates who appeared in this case: For the

... Petitioner

For the Respondent : : Mr. Manobal Gupta, Adv. Mr. Rajesh Mahajan, ASC with Ms. Jyoti Babbar, Advocate with SI Parmod Kumar, PS Sangam Vihar. CORAM:-

"HONBLE MR JUSTICE SANJEEV SACHDEVA JUDGMENT0509.2018
SANJEEV SACHDEVA, J.

(ORAL) CrI. M.A. 31383/2018 (Exemption) Allowed, subject to all just exceptions. W.P.(CRL) 2639/2018 1. The petitioners seek quashing of FIR No.164 of 2015 under Sections 498A/4

IPC registered at Police Station Sangam Vihar, Delhi, based on a settlement. The subject FIR emanates out of matrimonial discord.

2. W.P.(CRL) 2639/2018 Page 1 of 3

... Petitioner

No.1 is the husband of respondent No.2.

... Petitioner

No.2 and 5 are the other family members of petitioner No.1.

3. Learned counsel for the petitioners submits that the parties have settled their disputes and a Memorandum of Settlement dated 03.07.2018 has been entered into the parties.

4. Learned counsel for the petitioner informs that the parties have also applied for divorce by mutual consent and statements of the parties were recorded on 31.08.2018 in support of the second motion. He submits that certified copy is not available. He has applied for the same.

5. As per the settlement, the permanent custody of the children is to remain with respondent No.2. The petitioner who appears in person undertakes that he shall not claim any rights contrary to the settlement terms. The undertaking is accepted.

6. The respondent No.2 was to be paid a total sum of Rs. 5,00,000/- in full and final settlement of all her claims. The entire amount of Rs. 5 lakhs has already been paid to respondent No.2. Respondent No.2 submits that she has received the entire settlement amount.

7. 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 W.P.(CRL) 2639/2018 Page 2 of 3 petitioners and prosecute the complaint any further.

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 applied for divorce and given their statements in support of the second motion on 31.08.2018, 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.164 of 2015 under Sections 498A/4

IPC registered at Police Station Sangam Vihar, Delhi and the consequent proceedings emanating there from are quashed.

10. The writ petition is disposed of in the above terms.

11. Order Dasti under the signatures of the Court Master. SEPTEMBER05 2018/rs SANJEEV SACHDEVA, J W.P.(CRL) 2639/2018 Page 3 of 3

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