

Sunil Kumar & Ors. Vs.state & Anr.

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Court : Delhi

Decided On : Oct-03-2018

Appellant : Sunil Kumar & Ors.

Respondent : State & Anr.

Judgement :

\$~64 * IN THE HIGH COURT OF DELHI AT NEW DELHI % + CRL.M.C.
5049/2018 Judgment delivered on:03.10.2018 SUNIL KUMAR & ORS. versus
STATE & ANR.

... Petitioner

S

... RESPONDENTS

Advocates who appeared in this case: For the

... Petitioner

: Mr. Bhairav Dass & Mr. Mr. Yogesh Dass, Advocates. For the

... RESPONDENTS

: Mr. Sanjeev Sabharwal, Addl. PP for the State SI Vijay Kumar, PS Farsh Bazar.
Mr. Krishan Kumar & Mr. Vipin Chander, Advocates for R-2. CORAM:-

"HONBLE MR JUSTICE SANJEEV SACHDEVA JUDGMENT0310.2018
SANJEEV SACHDEVA, J.

(ORAL) CrI. M.A. No.33437/2018 (for exemption) Exemption allowed, subject to all just exceptions. CrI. M.C. No.5049/2018 & CrI. M.A. No.33436/2018 (for stay) 1. The petitioners seek quashing of FIR No.269/2010 under Sections 498A/4 IPC and Section

Dowry Prohibition Act, CRL.M.C. 5049/2018 Page 1 of 3 Police Station Farsh Bazar, based on a settlement.

2. 3. Subject FIR emanates out of matrimonial discord. 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 25.08.2018.

4. It is stated that the husband of respondent No.2 has expired in the year 2012. Smt. Mahendri Devi, mother-in-law of respondent No.2 has also expired on 26.07.2018.

5.

... Petitioner

s are the in-laws of respondent No.2. Initially there was a settlement between the parties whereby they had agreed to pay a sum of Rs.2,50,000/- to respondent No.2. Subsequently an MOU dated 25.09.2018 has been executed. As per the MOU, respondent No.2 has agreed to quashing of the subject FIR without receipt of any further amount.

6. Respondent No.2 is present in person, represented by counsel and is identified by the Investigating Officer and she is also accompanied by her brother, Surender Khopa. Respondent No.2 submits that she has settled her disputes with the petitioners and does not wish to prosecute the company any further and has no objection to the quashing of the subject FIR. In view of the fact that the proceedings emanate out of a 7. CRL.M.C. 5049/2018 Page 2 of 3 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, 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.

8. In view of the above, the petition is allowed. FIR No.269/2010 under Sections 498A/4

IPC and Section

Dowry Prohibition Act, Police Station Farsh Bazar and the consequent proceedings emanating there from are quashed.

9. Order Dasti under the signatures of the Court Master. OCTOBER03 2018 AA SANJEEV SACHDEVA, J CRL.M.C. 5049/2018 Page 3 of 3

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