

Vikas Tiwari & Ors vs.state & Anr

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Court : Delhi

Decided On : Oct-10-2018

Appellant : Vikas Tiwari & Ors

Respondent : State & Anr

Judgement :

\$~51 * IN THE HIGH COURT OF DELHI AT NEW DELHI % + CRL.M.C.
5199/2018 Judgment delivered on:10.10.2018 VIKAS TIWARI & ORS

... Petitioner

s STATE & ANR versus

... RESPONDENTS

Advocates who appeared in this case: Mr. Chaman Sharma, Adv. For the

... Petitioner

: For the

... RESPONDENTS

: CORAM:-

"HONBLE MR JUSTICE SANJEEV SACHDEVA Mr. Raghuvinder Verma, Addl.
PP for the State with ASI Ram Dass Mr. Sanjay Kumar, Adv. for R-2 with R-2 in
person. JUDGMENT1010.2018 SANJEEV SACHDEVA, J.

(ORAL) CrI. M.A. 33996/2018 (Exemption) Allowed, subject to all just exceptions. CRL.M.C. 5199/2018 1.

... Petitioner

s seek quashing of FIR No.197 of 2017 under Sections 498A/4

IPC registered at Police Station Gokal Puri, CRL.M.C. 5199/2018 Page 1 of 3 Delhi, 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 before the Delhi Mediation Centre, Karkardooma Courts, Delhi and settlement dated 12.07.2017 has been executed between the parties. Copy of the same has been produced on record. The same is taken on record. Parties have amicably dissolved their marriage by mutual consent and decree of divorce dated 25.05.2018 has been passed.

4. As per the settlement, a total sum of Rs. 5 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. 4 lakhs has already been paid and the balance sum of Rs. 1,00,000/- (in cash) has been paid to respondent No.2, today outside the Court. Respondent No.2 who is present in person acknowledges the receipt of the entire amount of Rs. 5 lakhs.

5. Respondent No.2 is present in person, represented by her counsel 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. In view of the fact that the proceedings emanate out of a 6. CRL.M.C. 5199/2018 Page 2 of 3 matrimonial discord and parties have fully and finally settled their disputes and 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 25.05.2018, 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.197 of 2017 under Sections 498A/4

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

8. Order Dasti under the signatures of the Court Master. OCTOBER10 2018 rs
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