

(2018) 08 DEL CK 0205

Delhi High Court

Case No: Criminal Miscellaneous Case No. 4086 OF 2018

Surender Kumar Gupta & Ors

APPELLANT

Vs

State (Nct Of Delhi) & Anr

RESPONDENT

Date of Decision: Aug. 14, 2018**Acts Referred:**

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

Hon'ble Judges: SANJEEV SACHDEVA, J**Bench:** Single Bench**Final Decision:** Allowed

Judgement

SANJEEV SACHDEVA, J. (ORAL)

Crl. M.A. 29930/2018 (Exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 4086/2018

1. The petitioners seek quashing of FIR No. 983 of 2015 under Sections 498A/406/34 of the IPC registered at Police Station Gokal Puri (District

North-East), Delhi, based on a settlement. It is contended that the FIR was lodged consequent to a matrimonial discord.

2. Learned counsel 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 25.01.2018 has been passed. It is also submitted that the settlement, has been executed between the parties on 08.08.2017,

before Counselling Cell, Family Courts, Karkardooma Courts, Delhi. As per the settlement, a total sum of Rs. 5 lakhs has been agreed to be paid to

respondent no. 2. A sum of Rs. 3,00,000/- has already been paid to respondent no. 2 and the balance sum of Rs. 2,00,000/-, by way of DD No.

069907 dated 06.08.2018 issued by Bank of Baroda, 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 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 therefrom.

5. In view of the above, the petition is allowed. FIR No. 983 of 2015 under Sections 498A/406/34 of the IPC registered at Police Station Gokal Puri

(District North-East), Delhi, and the consequent proceedings therefrom are, accordingly quashed.

6. Order Dasti under signatures of the Court Master.