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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment delivered on:01.10.2018

+ CRL.M.C. 5001/2018

MOHD. RIZWAN & ORS.

..... Petitioners

versus

STATE & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Ms. Meenakshi Agarwal and Ms. Shobhana
Tanwar, Advs.

For the Respondents : Mr. Panna Lal Sharma, Addl. PP for the State
with SI Vikas

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

01.10.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl. M.A. 33266/2018 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 4998/2018

1. Petitioners seek quashing of FIR No. 191 of 2016 under Sections 498A/406/323/506/34 IPC registered at Police Station Khyala, Delhi, based on a settlement.

2. Subject FIR emanates out of matrimonial discord.

3. Learned counsel for the petitioners submits that the parties have settled their disputes through the process of mediation held before Delhi Mediation Centre, Tis Hazari Courts, Delhi on 23.02.2018. Parties have been divorced by a decree of divorce of Mubarat dated 20.04.2018 in accordance with muslim law.

4. As per the settlement, a total sum of Rs. 4,00,000/- 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. 3,00,000/- has already been paid to respondent no. 2 and the balance sum of Rs. One lakh is being paid by way of DD/Bankers Cheque Nos. 223939, 223940, 223941, all dated 14.07.2018 for a sum of Rs. Rs. 30,000/-, Rs. 30,000/- and Rs. 40,000/- respectively issued by Punjab National Bank to respondent no. 2, today in Court.

5. 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 petitioners and prosecute the complaint any further.

6. 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 been divorced by way of a decree of divorce, passed on 20.04.2018, 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. As per the settlement the minor child shall remain in the permanent custody of petitioner no. 2. The respondent no. 2 who is present in Court undertakes that she will not claim any rights contrary to the settlement terms.

8. In view of the above, the petition is allowed. FIR No. 191 of 2016 under Sections 498A/406/323/506/34 IPC registered at Police Station Khyala, Delhi and the consequent proceedings emanating there from are quashed.

9. Order *Dasti* under the signatures of the Court Master.

OCTOBER 01, 2018
'rs'

SANJEEV SACHDEVA, J