

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

+ **CRL.M.C.No.553/2007**

% **Date of decision : 28.08.2008**

Mr.Sanjay Chawla Petitioner
Through: Mr.Satpal Sharma.

Versus

State of NCT of Delhi & Anr Respondents
Through : Mr.R.N. Vats, APP for State.
Respondent No.2 in person.

CORAM :-

* **HON'BLE MR. JUSTICE ANIL KUMAR**

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| 1. | Whether reporters of Local papers may be allowed to see the judgment? | YES |
| 2. | To be referred to the reporter or not? | NO |
| 3. | Whether the judgment should be reported in the Digest? | NO |

ANIL KUMAR, J.

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The petitioner, husband and respondent No.2, wife are present along with the counsel for the petitioner. Learned counsel for the petitioner states that the marriage between the petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce dated 10th January, 2007 on the ground of mutual consent under Section 13 B(2) of Hindu Marriage Act, 1955. The parties have already settled all their claims against each other and in settlement of the claims of respondent No.2 an amount of Rs.90,000/- has been paid to respondent No.2. It is contended that no useful purpose shall be served in continuing with the

proceedings pursuant to FIR No.166/2002 under Section 498A/34 of IPC registered at Police Station Subzi Mandi, New Delhi, against petitioner.

Let the statement of respondent No.2 be recorded.

Statement of respondent No.2 has been recorded who has been identified by the counsel for petitioner, Shri Satpal Sharma. The disputes between the petitioner No.1 and respondent No.2, who were husband and wife, has been resolved. The marriage between the petitioner No.1 and respondent No.2 has already been dissolved by a decree of divorce dated 10th January, 2007 on the ground of mutual consent under Section 13 B(2) of Hindu Marriage Act, 1955. It is apparent that no useful purpose shall be served in continuing with the proceedings pursuant to FIR No.166/2002 under Section 498A/34 of IPC registered at Police Station Subzi Mandi, New Delhi against petitioner. Considering the facts and circumstances, it shall also be in the interest of justice to quash the said FIR and all the proceeding emanating therefrom. Learned Additional Public Prosecutor, Mr.Vats, also has no objection to the quashing of the FIR.

Therefore, in the totality of facts and circumstances, FIR No.166/2002 under Section 498A/34 of IPC registered at Police Station Subzi Mandi, New Delhi, and all the proceedings emanating therefrom against the petitioner are quashed.

The petition is disposed of.

Dasti.

August 28th, 2008

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ANIL KUMAR, J.