

IN THE HIGH COURT OF DELHI

Crl.M.C.758/2007

Date of decision: 28th April, 2008.

Smt. Bhawana ... Petitioner
through: Mr. N.K. Jha and Ms. Babita, Adv.

VERSUS

State & Ors. Respondents
through: Mr. Amit Sharma, Adv. for the State
with complainant in person
Respondent nos. 2-7 in person

CORAM:
HON'BLE MS. JUSTICE GITA MITTAL

1. Whether reporters of local papers may be allowed to see the Judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

GITA MITTAL, J(Oral)

1. This petition has been filed by Smt. Bhawana complainant in FIR No. 313/2004 dated 19th August, 2004 registered by the police station Shahdara on her complaint. It appears that the petitioner was married to Shri Uma Shankar Yadav, respondent no.4. The respondent no. 4 is the son of Shri Chandrama Ram Yadav, respondent no. 2 and Smt. Sonia, respondent no. 3 herein. Sonu and Meena, sister of the respondent no. 4 respectively have been arrayed as respondent nos. 5 and 7 respectively. Shri Chhotey Lal Yadav, respondent no. 6 is the

brother in law of the respondent no. 4.

2. The present petition has been necessitated inasmuch as after the registration of the criminal case, the parties arrived at an amicable resolution of the disputes. Pursuant to the same, the petitioner started residing with her husband and in laws since 2nd December, 2004. The parties also jointly submitted the compromise between them in the proceedings in the Hindu Marriage Act, 1956 which were pending before the court at Gaziabad. From the wedlock cohabitation of the petitioner with the respondent no. 4, the parties have been blessed with a son on 25th August, 2005 who has been named Master Abhay Yadav.

3. The parties have expressed complete harmony and a desire to cohabit without having the sword of the criminal proceeding pending over them. They have submitted that there are no disputes or issues pending between them. It has been submitted that it would be in the interest of the community as well as in public interest that if the criminal proceedings initiated on the complaint of the petitioner which has been registered as FIR No. 313/2004 be quashed so that the parties can cohabit without any acrimony.

4. The settlement between the parties appears to be bonafide and voluntary. The petitioner has joined her husband respondent no. 4 and has even given birth to a child from the wedlock. Looked at from any

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angle, interest of justice merit that the criminal proceedings between the parties be brought to a quietus which would be not only in their interest but also in the interest of the public and community as well as the minor child of the petitioner

and the respondent no. 4 The parties have filed affidavits in support of their settlement before this court and have appeared personally in court and have submitted that they are living in harmony.

5. In the light of the foregoing discussion, it is directed that the FIR No. 313/2004 dated 19th August, 2004 registered by the police station Shahdara under Sections 498/406 IPC and all proceedings arising therefrom shall stand quashed.

Dasti to the parties.

(GITA MITTAL)
JUDGE

April 28, 2008
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