

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

+ **CRL.M.C.No.2376/2008**

% **Date of decision : 28.07.2008**

Sunil Kumar & Ors Petitioners

Through: Mr.Prakash Chandra, Advocate along
with petitioner No.1 in person.

Versus

State, NCT of Delhi & Anr Respondents

Through : Mr. R.N. Vats, APP for the State ALONG
with W/ASI Seema Singh, IO.
Mr.Pradeep Kumar, Advocate for the
complainant along with 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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Petitioner No.1 and respondent No.2 are present with their counsels. It is stated by the counsel that the disputes between the petitioner No.1 and respondent No.2 have been resolved. The marriage between the petitioner No.1 and respondent no.2 has been dissolved by a decree of divorce by mutual consent under Section 13B(2) of the Hindu Marriage Act, 1955 by decree dated 7th September, 2007. Under the settlement an amount of Rs.3 lakhs was payable out of which Rs.2 lakh was paid earlier and an amount of Rs.1 lakh has been paid today

in the Court to respondent No.2 by a bankers cheque No.12265 dated 31st January, 2008 which is valid upto 30th July, 2008, drawn on State Bank of India in favor of respondent no.2. The learned counsel for the petitioner No.1, on instructions from petitioner No.1, states that if this bankers cheque shall require revalidation the same shall be done by the petitioner No.1. The petitioner no.1 who is present has undertaken to get the banker cheque revalidated, if so required.

Let the statement of respondent No.2 be recorded.

The statement of respondent No.2 has been recorded. The respondent No.2 has submitted that she doesn't want to continue with the proceedings pursuant to FIR No.259/04 dated 24th October, 2004, P.S.Lodhi Colony, under Sections 406/498A/34 of I.P.C as no useful purpose shall be served as the parties have settled their disputes. It shall also be in the interest of justice if the FIR No.259/04 and all the proceedings emanating there from are quashed in the facts and circumstances.

Considering the totality of facts and in the circumstances and in the interest of justice the FIR No.259/04 dated 24th October, 2004, P.S.Lodhi Colony, under Sections 406/498A/34 of I.P.C and all the proceedings emanating there from are hereby quashed against all the petitioners. The petition is disposed of. Dasti.

July 28, 2008
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ANIL KUMAR, J.