

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

+ **CRL.M.C.No.2471/2008**

% **Date of Decision: 26.08.2008**

Shri Sandeep Kapoor & Others Petitioner

Through Mr.Akhil Rataeeya, Advocate.

Versus

State and Another Respondents

Through Mr.R.N. Vats, APP for the State.
Mr.Noor Alam, Advocate 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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The petitioners and respondent No.2 are present with their counsel. The learned counsel for the parties state that the disputes between the petitioners and the respondent No.2 have been settled. The marriage of petitioner No.1, Sh.Sandeep Kapoor with respondent No.2, Ms.Nidhi Tandon has since been dissolved by a decree of divorce dated 4th April, 2008 under Section 13-B of Hindu Marriage Act, 1955. Under the settlement arrived at between the parties a total sum of Rs.21 lakhs was payable to respondent No.2 for the settlement of all her claims against the petitioners. Out of Rs.21 lakhs, Rs.15 lakhs was paid earlier

and the balance amount of Rs.6 lakhs has been paid today in the Court to respondent No.2 by way of four demand drafts bearing Nos.138278 dated 27.06.2008 for an amount of Rs.1,00,000/- drawn on ICICI Bank Ltd; Demand Draft No.138277 dated 27.06.2008 for an amount of Rs.1,00,000/- drawn on ICICI Bank Ltd; Demand Draft No.025924 dated 21.06.2008 for an amount of Rs.2,00,000/- drawn on Axis Bank Ltd and Demand Draft No.041358 dated 27.06.2008 for an amount of Rs.2,00,000/- drawn on Standard Chartered Bank Ltd. In the circumstances, learned counsel for the parties contend that no useful purpose would be served in continuing the proceedings pursuant to FIR No.502/2007 under Sections 406/498A/34 of Indian Penal Code registered at Police Station Hauz Khas, New Delhi.

Let the statement of respondent No.2 be recorded.

The statement of respondent No.2, has been recorded who has been identified by the counsel for respondent No.2, Shri Noor Alam. It is contended that no useful purpose shall be served in continuing the proceedings as the matter has already been settled amicably between the parties and the marriage between the parties has since been dissolved. In the circumstances, it is also contended that it will be in the interest of justice in case the said FIR and all the proceedings emanating therefrom are quashed.

Learned Additional Public Prosecutor, Mr.Vats, in the facts and circumstances, has also no objection to quashing of FIR No.502/2007 under Sections 406/498A/34 of Indian Penal Code registered at Police Station Hauz Khas, New Delhi against the petitioners and all the proceedings emanating therefrom.

Considering the facts and circumstances, it is apparent that no useful purpose shall be served in continuing the proceedings pursuant to the said FIR and it will be in the interest of justice to quash the said FIR and all the proceedings emanating therefrom.

In the totality of facts and circumstances, the FIR No.502/2007 under Sections 406/498A/34 of Indian Penal Code registered at Police Station Hauz Khas, New Delhi and all the proceedings emanating therefrom against the petitioners are quashed.

The petition is disposed of.

Dasti.

August 26, 2008

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ANIL KUMAR, J.