

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

+ **CRL.M.C.No.2643/2008**

% **Date of Decision: 01.09.2008**

Sh.Manoj Kumar & Others Petitioners
Through Ms.Renu Chauhan, Advocate for petitioners
along with petitioner No.1 in person.

Versus

The State of Delhi & Another Respondents
Through Mr.R.N.Vats, APP for the State
Mr.C.S.Rana, Advocate for respondent No.2
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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Cr1.M.A. No.9789/2008

Allowed, subject to just exceptions.

The application is disposed of.

Cr1.M.C.No.2643/2008

Learned counsel for the petitioners and respondent No.2 contend that the disputes between the parties have been resolved amicably. The marriage between the petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce dated 04.08.2008 by mutual consent

under Section 13 B (2) of Hindu Marriage Act, 1955. It is also contended that under the settlement the respondent No.2 is entitled for Rs.2.50 lakhs out of which Rs.1.50 lakhs was paid earlier and the balance amount of Rs.1 lakh has been paid today in the Court by a demand draft bearing No.345854 dated 23rd July, 2008 drawn on Syndicate Bank, Ambedkar Nagar, Delhi. In the circumstances, counsel contend that no useful purpose shall be served in continuing with the proceedings pursuant to FIR No.26/2008 under Sections 498A/406/34 of Indian Penal Code registered at Police Station Bindapur against the petitioners. It is also contended that it shall be in the interest of justice if the said FIR and all the proceedings emanating therefrom against the petitioners are quashed.

Let the statement of respondent No.2 be recorded.

Statement of respondent No.2 has been recorded who has been identified by her counsel. Considering the statement of respondent No.2 it is apparent that no useful purpose shall be served in continuing the proceedings pursuant to FIR No.26/2008 under Sections 498A/406/34 of Indian Penal Code registered at Police Station Bindapur against the petitioners. It shall also be in the interest of justice to quash the said FIR and all the proceedings emanating therefrom, in the facts and circumstances. Learned Additional Public Prosecutor, Mr.Vats, has also no objection to quashing of FIR No.26/2008 under Sections 498A/406/34 of Indian Penal Code

registered at Police Station Bindapur and all the proceedings emanating therefrom against the petitioners.

In the totality of facts and circumstances, FIR No.26/2008 under Sections 498A/406/34 of Indian Penal Code registered at Police Station Bindapur and all the proceedings emanating therefrom against the petitioners are quashed.

The petition is disposed of.

Dasti.

September 01, 2008
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ANIL KUMAR, J.