

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

+ **Crl.M.C.No.2612/2008**

% **Date of Decision: 12.08.2008**

Subhash Chand Dhiman & Others Petitioners

Through Mr.B.K. Singla, Advocate for petitioners
No.1 to 4 along with petitioner No.1 in
person.
Mr.Om Sharma, Advocate for petitioner
No.5 along with petitioner No.5 in
person.

Versus

The State (NCT of Delhi) Respondent

Through Mr.R.N. Vats, APP for the State along
with W/SI Asha Sinha, P.S. R.K.
Puram.

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 petitioner No.5, husband and wife, are present with their counsel. Learned counsel for the parties contend that the disputes between the petitioner No.5 and petitioner No.1 have been resolved. The marriage between the petitioner No.1 and petitioner No.5 has already been dissolved by a decree of divorce dated 14th

September, 2007 on the ground of mutual consent under Section 13 B (2) of Hindu Marriage Act, 1955. Learned counsel also contend that under the settlement between the parties, petitioner No.5 was entitled for an amount of Rs.31,000/- which amount has already been paid to her. It is contended that in the circumstance no useful purpose shall be served in continuing with the proceedings pursuant to FIR No.43/2007 under Sections 498A/406/34 of Indian Penal Code registered at Police Station R.K. Puram against petitioners No.1 to 4.

Let the statement of petitioner No.5/complainant be recorded who is identified by her counsel, Mr.Om Sharma, Advocate.

Statement of petitioner No.5 has been recorded. The petitioner No.5 has stated that she has settled the disputes on her own free will and without any undue pressure and she has already received the settled amount and her marriage with petitioner No.1 has already been dissolved by a decree of divorce dated 14th September, 2007 on the ground of mutual consent under Section 13 B (2) of Hindu Marriage Act, 1955.

In the circumstances, it is apparent that no useful purpose shall be served in continuing with the proceedings pursuant to FIR No.43/2007 under Sections 498A/406/34 of Indian Penal Code registered at Police Station R.K. Puram against petitioners No.1 to 4. It is also apparent that it shall be in the interest of justice that the said FIR and all the proceedings emanating therefrom against petitioners No.1 to 4 are quashed.

Consequently, in the totality of facts and circumstances, FIR No.43/2007 under Sections 498A/406/34 of Indian Penal Code registered at Police Station R.K. Puram and all the proceedings emanating therefrom are quashed against petitioners No.1 to 4.

The petition is disposed of.

Dasti.

August 12, 2008

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ANIL KUMAR, J.