

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

+ **CRL.M.C.No.2625/2008**

% **Date of decision : 13.08.2008**

Mohd.Shiraj & Others Petitioners
Through: Mr.Arun Kumar, Advocate.

Versus

The State (NCT Of Delhi) & Another Respondents
Through : Mr. R.N. Vats, APP for State.
Mr. Nand Kishore, 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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The petitioners and respondent No.2 are present with their counsel. Learned counsel for the parties state that the disputes between the petitioners and respondent No.2 have been settled on 29th January, 2007 pursuant to mediation done by the Mediation Cell, Tis Hazari Court, Delhi. Pursuant to the settlement the petitioner No.1 and respondent No.2 have started living as husband and wife again under the same roof. The application of respondent No.2 under Section 125 of

the Criminal Procedure Code has also been disposed of in view of settlement between the parties. The learned counsel contend that in view of the settlement no useful purpose shall be served in continuing with the proceedings pursuant to FIR No.518/2001 under Sections 498A/406 of IPC registered at Police Station Ashok Vihar, Delhi against petitioners. It is also contended that continuation of the proceedings pursuant to the said FIR shall not be conducive to the future matrimonial life of petitioner No.1 and respondent No.2.

Let the statement of respondent No.2 be recorded.

Statement of respondent No.2 has been recorded who is identified by her counsel, Sh.Nand Kishore. The petitioner No.1 and respondent No.2, who were husband and wife have started living together again pursuant to the settlement and the proceedings for claiming maintenance under Section 125 of the Criminal Procedure Code has also been disposed of. Since the petitioners and respondent No.2 have resolved their disputes, no useful purpose shall be served in continuing with the proceedings pursuant to FIR No.518/2001 under Sections 498A/406 of IPC registered at Police Station Ashok Vihar, Delhi against petitioners. It shall rather be detrimental for the future matrimonial life of the petitioner No.1 and respondent No.2 in case the proceedings continue pursuant to the said FIR.

Considering the facts and circumstances, it shall also be in the interest of justice to quash the FIR No.518/2001 under Sections 498A/406 of IPC registered at Police Station Ashok Vihar, Delhi and all the proceeding emanating therefrom. Learned Additional Public Prosecutor, Mr.Vats, has also no objection to the quashing of the FIR and all the proceedings emanating therefrom in the present facts and circumstances of the case.

Therefore, in the totality of facts and circumstances, FIR No.518/2001 under Sections 498A/406 of IPC registered at Police Station Ashok Vihar, Delhi, and all the proceedings emanating therefrom against the petitioners are quashed.

The petition is disposed of.

Dasti.

August 13, 2008
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ANIL KUMAR, J.