

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

+ **CRL.M.C.No.2648/2008**

% **Date of decision : 14.08.2008**

Gopal Chopra & Ors Petitioners
Through: Mr.Bhupinder Mehtani, Advocate.

Versus

State & Another Respondents
Through : Mr. R.N. Vats, APP for State.
Ms.Chhaya Chopra, respondent
No.2 in person.
SI Bhagat Singh, P.S.Kirti Nagar.

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 petitioner No.1 and respondent No.2, husband and wife are present with their counsel. Learned counsel contends that the disputes between the petitioner No.1 and respondent No.2, husband and wife has since been resolved and they have started living together since 29th July, 2008. It is contended that continuation of proceedings pursuant to FIR No.528/2005 under Sections 498A/406/34 of IPC registered at Police Station Kirti Nagar, Delhi may not be conducive for the future

matrimonial peace between the parties. In the circumstances, it is contended that no useful purpose shall be served in continuing the proceedings pursuant to the said FIR.

Let the statement of respondent No.2 be recorded.

Statement of respondent No.2 has been recorded who is identified by the counsel for the petitioner. Considering the facts and circumstances and the statement of respondent No.2 it is apparent that no useful purpose shall be served in continuing the proceedings pursuant to FIR No.528/2005 under Sections 498A/406/34 of IPC registered at Police Station Kirti Nagar, Delhi as the respondent No.2 wife has started living with the petitioner as husband and wife. Continuation of the proceedings will also not be conducive for the future matrimonial peace and living together of the petitioner No.1 and respondent No.2.

Considering the facts and circumstances, it shall also be in the interest of justice to quash the FIR No.528/2005 under Sections 498A/406/34 of IPC registered at Police Station Kirti Nagar, 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.528/2005 under Sections 498A/406/34 of IPC registered at Police Station Kirti Nagar, Delhi, and all the proceedings emanating therefrom against the petitioners are quashed.

The petition is disposed of.

Dasti.

August 14, 2008
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ANIL KUMAR, J.