

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

+ **CRL.M.C.No.2788/2008**

% **Date of Decision: 25.08.2008**

Shri Harish Chander & Others Petitioner

Through Mr.Mr.J.P. Suhag, Advocate along with
Petitioner No.1 in person.

Versus

State (NCT of Delhi) and Another Respondents

Through Mr.R.N. Vats, APP for the State.
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 petitioner No.1, Shri Harish Chander, and respondent No.2, Smt.Sarita, are present with the counsel. Learned counsel contends that the husband and the wife have resolved their disputes amicably and they are living in the matrimonial home since July 24, 2008. It is also contended that since they are living together, it will not be conducive to continue the proceeding in FIR No.709/2005 under Sections 406/498A/34 of Indian Penal Code lodged at Police Station

Samaipur Badli, for the future peace and harmony between the petitioner No.1 and respondent No.2.

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 petitioners, Shri J.P. Suhag. The respondent No.2 has contended that she has started living with her husband, petitioner No.1, since July 24, 2008. Since the petitioner No.1 and respondent No.2 have started living together, no useful purpose shall be served in continuing the proceedings pursuant to FIR No.709/2005 under Section 406/498A/34 of Indian Penal Code lodged at Police Station Samaipur Badli. It will not be in the interest of matrimonial peace in case the proceedings pursuant to the above-said FIR continue. It will 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, in the facts and circumstances, has also no objection to quashing of FIR No.709/2005 under Section 406/498A/34 of Indian Penal Code lodged at Police Station Samaipur Badli against the petitioners and all the proceedings emanating therefrom.

In the totality of facts and circumstances, the FIR No.709/2005 under Section 406/498A/34 of Indian Penal Code lodged at Police

Station Samaipur Badli and all the proceedings emanating therefrom against the petitioners including the proceedings pending before Ms.Rekha, Metropolitan Magistrate, Rohini, Delhi, are quashed.

The petition is disposed of.

Dasti.

August 25, 2008
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ANIL KUMAR, J.