

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

+ **CRL.M.C.No.2854/2008**

% **Date of Decision: 29.08.2008**

Shri Sanjeev Kumar & Others Petitioners
Through Mr.S.K. Saroha, Advocate along with petitioner
Nos.1 and 5 in person.

Versus

State (Govt. of NCT of Delhi) & Another Respondents
Through Mr.R.N. Vats, APP for the State along with SI
Kashmir Lal.

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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This is a petition under Section 482 of Code of Criminal Procedure seeking quashing of FIR No.390/2002 dated 3.12.2002 under Sections 498A/325/34 of Indian Penal Code registered at Police Station Dwarka against petitioner Nos.1 to 4.

Issue notice to the respondent. Mr.Vats accepts notice on behalf of the respondent. Learned counsel for petitioners contends that the above-said FIR was registered on the complaint of the petitioner No.5, however, subsequently the matter has been resolved and for the welfare

of the minor child, parties have decided to live together and consequently the petitioner No.1 and petitioner no.5 are living together as husband and wife since 2nd February, 2005. It is contended that continuation of the proceedings pursuant to the aforesaid FIR shall not be conducive for the matrimonial life of the parties and in the circumstances it will be in the interest of justice to quash the aforesaid FIR and all the proceedings emanating therefrom against petitioner Nos.1 to 4.

Let the statement of petitioner No.5 be recorded.

Statement of petitioner No.5 has been recorded who has been identified by the counsel for petitioners. The petitioner No.5 has deposed that she has settled all her disputes with petitioners and she is living with petitioner No.1 since 2nd February, 2005.

Considering the facts and circumstances, it is apparent that the disputes have been resolved and the petitioner No.1 and petitioner No.5 are living together as husband and wife. In the circumstances, no useful purpose shall be served in continuing the proceedings pursuant to FIR No.390/2002 dated 3.12.2002 under Sections 498A/325/34 of Indian Penal Code registered at Police Station Dwarka against the petitioner Nos.1 to 4. It shall also be in the interest of justice and for the future matrimonial life of the petitioner No.1 and petitioner No.5 that the said FIR and all the proceedings emanating therefrom are

quashed. Learned Additional Public Prosecutor, Mr.Vats, has also no objection to quashing of the said FIR.

In the totality of facts and circumstances, FIR No.390/2002 dated 3.12.2002 under Sections 498A/325/34 of Indian Penal Code registered at Police Station Dwarka and all the proceedings emanating therefrom against the petitioner Nos.1 to 4 are quashed.

The petition is disposed of.

Dasti.

August 29, 2008
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ANIL KUMAR, J.