

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

Date of Reserve: 6th July, 2010

Date of Order: July 15, 2010

Crl. M.C. No. 370/2010

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15.07.2010

CHAND RAM & ORS.

... Petitioner

Through: Nemo.

Versus

STATE & ANR

... Respondents

Through: Mr. Vivek Choudhary &
Mr. Satish, Advocates for R-2

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

JUDGMENT

1. Present petition has been filed for quashing of FIR No. 33 of 2003, P.S. Narela, under section 498-A, 406, 506 and 34 of IPC.
2. After filing of this FIR, the parties were, with the intervention of court, referred to Lok Adalat. The wife in the case is a Constable in Delhi Police and the husband is an army man. The parties had four children. As per compromise, both husband and wife agreed to obtain divorce by

mutual consent, and to give up all their claims against each other and to maintain and keep custody of two children each. It was also agreed that they shall not claim any maintenance for the children from each other and all cases and applications made by the parties against each other shall stand withdrawn / cancelled. Statements of both the parties were recorded to this effect on 5th March, 2005. Wife in her statement specifically stated that henceforth she shall not pursue any of the complaints. Thereafter the parties appeared before the ADJ, Sonapat and again verified that their statements were recorded before Lok Adalat of Shri A.K. Bimla, ADJ and they affirmed their statements. It was also stated by the parties that they should be granted decree of divorce and all cases against them should be treated as withdrawn/cancelled. The present petition has been filed after above proceedings. The wife appeared in this court. She did not deny making of statement and obtaining of divorce by mutual consent and the decision of the parties to maintain two children each. She, however, opposed the quashing of FIR on the ground that she was to receive some of her articles etc. & some more money.

I consider that opposition made by the wife was baseless. In 2005, when the divorce for mutual consent was granted, the parties had settled all their disputes and this FIR was agreed to be cancelled/quashed. I,

therefore, allow the present petition. FIR No. 33/2003, P.S. Narela is hereby quashed.

July 15, 2010
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SHIV NARAYAN DHINGRA, J.