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

+ CRL.M.C. 435/2011

CHETAN ISSAR

..... Petitioner

Through: Mr.Neeraj Dutt, Gaur, Advocate.

versus

GOVT OF NCT DELHI & ANR

..... Respondent

Through: Ms.Ritu Gauba, APP
Mr.Neeraj Sharma, Advocate for
the complainant.

+ **CRL.M.C. 1227/2011**

SHUSHIL KUMR ISSAR & ORS

..... Petitioners

Through: Mr.Neeraj Dutt, Gaur, Advocate.

versus

GOVT OF NCT DELHI & ANR

..... Respondent

Through: Ms.Ritu Gauba, APP
Mr.Neeraj Sharma, Advocate for
the complainant.

CORAM:

HON'BLE MR. JUSTICE V.K. SHALI

ORDER

17.11.2011

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1. These are petitions for quashing of FIR No.09/2008, u/s 498A/406 IPC, registered by PS Karol Bagh in respect of which the trial is pending in the Court of Ms.Kiran Gupta, learned MM, Tis Hazari Courts, Delhi. Crl.M.C.No.435/2011 has been filed by the husband while as Crl.M.C.No.1227/2011 has been filed by four petitioners related to the husband of

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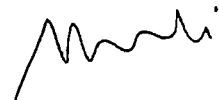
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the complainant. All the petitioners in both the petitions are present except petitioner Mr.Ajay Veer Singh Dalal, who happens to be the brother-in-law of the husband of the complainant. It has been orally prayed by the learned counsel for the petitioners that affidavit of Mr.Ajay Veer Singh Dalal is on record, however, he could not be present as he is working in BSF and is presently posted in North Eastern State. It has been urged that he may be exempted from personal appearance for today. There is no opposition to the request of the learned counsel for the petitioners, accordingly the presence of Mr.Ajay Veer Singh Dalal is exempted. So far as the remaining petitioners are concerned, they have been identified and their affidavits in support of the petitions are on record. Learned counsel for the petitioners has stated that the petitioner, Mr.Chetan Issar in CrI.M.C.No.435/2011 has arrived at a settlement with the respondent No.2/complainant Divya Vashisth in pursuance to which the parties have been divorced by a competent Court on the basis of mutual consent on 06.04.2009. The learned counsel for the petitioners has also stated that a sum of Rs.3.75 lacs has been paid by the petitioner, Chetan Issar to the respondent No.2/complainant towards her maintenance, permanent alimony and all other

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claims. It is, therefore, prayed that in view of the aforesaid settlement the FIR and the consequent proceedings pending before the learned MM may be quashed. Respondent No.2 is present along with her counsel. She has been identified by her counsel. She has also filed her affidavit supporting the averments made by the learned counsel for the petitioners that she has been divorced from her husband by a competent Court of law and that she has received a total sum of Rs.3.75 lacs towards full and final settlement of her entire claim. She has also stated that she has no objection to the quashing of the FIR. The learned APP for the state also does not have any objection.

2. Having regard to the aforesaid facts that parties have been divorced by a competent Court, no useful purpose would be served by keeping the aforesaid FIR and the consequent proceedings pending. Accordingly, FIR No.09/2008, u/s 498A/406 IPC, registered by PS Karol Bagh and the consequent proceedings which are pending in the Court of Ms.Kiran Gupta, MM, Tis Hazari Courts, Delhi stands quashed.
3. Petitions stand disposed of.


V.K. SHALI, J

NOVEMBER 17, 2011/mr

R.D.