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

+ **CRL.M.C. 3562/2011**

% Judgment delivered on:24th October, 2011

VINAY KUMAR AND ORS Petitioner

Through : Mr.Yudhisthar Sharma, Adv.

versus

STATE & ORS Respondent

Through : Ms. Ritu Gauba, APP for the
State / R-1.

Mr. Vaibhav Sharma, Adv. for
respondent no. 2.

CORAM:
HON'BLE MR. JUSTICE SURESH KAIT

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| 1. Whether the Reporters of local papers
may be allowed to see the judgment? | NO |
| 2. To be referred to Reporter or not? | NO |
| 3. Whether the judgment should be reported
in the Digest? | NO |

SURESH KAIT, J. (Oral)

+ **Crl. M.A. 12673/2011 (Exemption)**

Exemption is allowed subject to just exceptions.

Criminal M.A. stands disposed of.

Crl. M.C. 3562/2011

1. Notice issued.

2. Ld. APP for the State accepts notice on behalf of respondent no. 1. Ld. Counsel for respondent no. 2 also accepts notice.

3. Ld. Counsel for the Petitioner submits that vide FIR 1373 dated 05.12.2001, case under section 498A/406/Indian Penal Code, 1860 was registered against the Petitioners on the complaint of respondent no. 2. Thereafter, charge sheet under section 498A/406/34 Indian Penal Code, 1860 was filed.

4. Ld. Counsel for the Petitioner further submits that respondent no. 2 has amicably settled the issues qua aforesaid FIR. In pursuance of the said settlement, the marriage between the petitioner no. 1 and respondent no. 2 has been dissolved vide decree dated 26.09.2011.

5. Further submits that respondent no. 2 does not want to pursue the case.

6. Respondent no. 2 Ms. Ritu, D/o Subhash Chand Aggarwal is present personally with her counsel namely Mr. Vaibhav Sharma, who has identified her as respondent no. 2. In addition to that she has also produced her voter identity card no. FYW1020221 issued by Election Commission of

India issued in her name (Original seen and returned).

8. On instructions, Ld. Counsel for respondent no. 2 submits that as per the agreement petitioner no. 1 has agreed to pay a sum of Rs.2.75 Lacs to be paid to respondent no. 2, whereas Rs. 2 Lac has already been paid and the balance amount is to be paid in the court.

9. Further submits that the said balance amount of Rs.75,000/- has been handed over to respondent no.2, who has accepted the same without any protest.

10. Ld. Counsel for respondent no. 2 submits that she is no more interested in pursuing the case and keeping in view the settlement and the decree of divorce between her and petitioner no.1. She has objection if the present FIR is quashed.

11. Since the marriage has been dissolved between petitioner no. 1 and respondent no. 2 and the matter has been amicably settled. In the interest of justice, the present FIR no. 1373/2001 and emanating proceedings thereto are hereby quashed.

12. Accordingly Crl. M.C. 3562/2011 is allowed.

13. Dasti.

14. Since Crl. M.C. No.3562/2011 is allowed, Crl. M.A. No.12672/2011 become infructuous and disposed of as such.

SURESH KAIT,J

OCTOBER 24, 2011

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