

\$~46

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

+ CRL.M.C. 3629/2011

NAVEEN KUMAR & ORS. Petitioners

Through: Mr. A. S. Singh, Adv.

versus

STATE Respondent

Through: Mr. Navin Sharma, APP

CORAM:

HON'BLE MR. JUSTICE V.K. SHALI

ORDER

04.11.2011

%

1. This is a petition for quashing of FIR No. 459/2007, under Section 498A/406/34 IPC registered by P.S. Timarpur, Delhi in respect of which trial is pending in Tis Hazari Court, Delhi. The ground for quashing of the FIR is that the petitioner no. 1 has settled all his matrimonial disputes with the respondent no. 2/complainant, Ms. Sujata as a consequence of which the decree of divorce on the basis of mutual consent has been passed by the competent court. It has been further stated that an amount of ₹40,000/- has already been paid to the respondent no.2/complainant and the balance amount of ₹40,000/- is being paid today in the Court itself. Thus the total amount paid to the respondent/complaint is ₹80,000/-. The petition is supported by the affidavits of all the four petitioners, who are present in Court and are duly identified by their counsel. It has been contended

Signature Not Verified

Digitally Signed By: AMULYA
Certify that the digital file and
physical file have been compared and
the digital data is as per the physical
file and no page is missing.

2

by the learned counsel for the petitioner that on account of the fact that divorce has been granted and the matter has been settled, no useful purpose would be served by keeping the FIR ~~pending~~ and the consequent proceedings pending. The respondent no.2/complainant is present along with her counsel and is duly identified by the IO. It has been stated by the learned counsel for the complainant that she has no objection in case the FIR and the consequent proceedings are quashed as the parties have already been divorced by the competent Court. The learned APP has also not opposed the quashing of the FIR in the light of the aforesaid facts.

2. Having regard to the aforesaid facts that the parties have been divorced and an amount of ₹80,000/- is purported to have been paid to the respondent No.2/complainant, I feel that no useful purpose would be served by keeping the aforesaid FIR and the consequent proceedings pending. Accordingly, FIR No. 459/2007, under Section 498A/406/34 IPC registered by P.S. Timarpur, Delhi in respect of which trial is pending in Tis Hazari Court, Delhi and the consequent proceedings are quashed.


V.K. SHALI,J

NOVEMBER 04, 2011

KP
