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

+ CRL.M.C. 3804/2011

% Judgment delivered on: 21st November, 2011

PREM PRAKASH & ORS Petitioner
Through : Mr. Abhay Kataria, Adv.
versus

STATE & ANR Respondent
Through : Mr. Navin Sharma, APP for State
along with IO/SI Anil Kumar, P.S.
Jahangirpuri, Delhi.
Mr. Mohan Sharma, Adv. for R2.

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.s 18081-82/2011 (Exemption)

Allowed subject to all just exceptions.

CRL. M.C. 3804/2011

- 1 Notice issued.
- 2 Mr. Navin Sharma, learned APP for State and Mr. Mohan

Sharma, Advocate accept notice on behalf of respondent No.1/State and respondent No.2/complainant.

3 Learned counsel for the petitioners submits that vide FIR No. 490/2009, a case under Section 498A/406/34 IPC was registered at P.S. Jahangirpuri, Delhi against the petitioners on the complaint of respondent No. 2/complainant.

4 It is further submitted that the parties have amicably settled the matter and the marriage between petitioner No.1/husband and respondent No.2/wife has been dissolved amicably vide a decree of mutual consent.

5 Respondent No. 2 is personally present in the court. She has been duly identified by IO/SI Anil Kumar.

6 Mr. Mohan Kumar, Advocate/counsel for respondent No.2 submits on her instructions that she does not want to pursue the case further as all her claims qua the aforesaid FIR have been satisfied and she has no objection if the present FIR is quashed.

7 Learned APP for State submits that the investigation of the case is at advanced stage though charge-sheet has not been filed.

8 He further submits that heavy costs should be imposed upon the

petitioners before quashing the FIR as Government Machinery and precious time of the court has been consumed.

9 In the above circumstances and in the interest of justice, I quash the FIR No. 490/2009, P.S. Jahangir Puri, and all the emanating proceedings therefrom.

10. I find force in the submission made by learned APP for State, but refrain imposing costs upon the petitioners in view of their poor financial condition, as petitioner No.1 is working on a meagre salary of Rs.3,500/- per month in a factory and other petitioners are the relatives of petitioner No.1.

11 Criminal M.C. 3804/2011 is allowed and disposed of.

12 Dasti.

SURESH KAIT, J

NOVEMBER 21, 2011

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