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

+ **CRL.M.C. No. 3902/2011**

% Judgment delivered on: 25 November, 2011

KAUSHAL RAJ & ORS Petitioners
Through : Mr.Yashvir Sethi and
Ms. Manisha Aggarwal Narain, Advs.
versus

STATE & ANR Respondents
Through : Ms. Rajdipa Behura, APP for the
State with SI Raj Kumar, PS Hari Nagar.
Mr. Anil Kumar Sharma, Adv. for R-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. No. 18394/2011(exemption)

Exemption allowed, subject to all just exceptions.

CRL.M.C. No. 3902/2011

1. Issue notice.
2. Learned APP accepts notice on behalf of the State. Mr. Anil

Kumar Sharma, Advocate accepts notice on behalf of respondent No.2.

3. Ld. counsel for the petitioners submits that vide FIR No. 127 dated 21.04.2010 a case under Section 498-A/406/34 of Indian Penal Code, 1860 was registered at PS Hari Nagar against the petitioners on the complaint of respondent No.2. He further submits that the matter was referred to the Mediation Centre, Tis Hazari Courts, Delhi. Vide compromise dated 21.05.2010 the respondent No. 2 has settled all the issues qua the aforesaid FIR with the petitioners.

4. Respondent No. 2 Ms. Sheetal Malhotra d/o late Shri P.L. Malhotra is present in the Court with her counsel Shri Anil Kumar Sharma. She has come to the Court with her brother Shri Sharad Malhotra. Ld. counsel for the respondent No. 2, on instructions from respondent No. 2, submits that the matter has been settled between the parties. Pursuant to their settlement, the respondent No.2 and the petitioner No. 1 have dissolved their marriage by mutual consent vide decree dated 06.08.2011. As per the settlement, the petitioner No.1 had agreed to pay Rs.7.25 lakh to the respondent No.2 ,in addition to the jewellery and other articles which have been received by her. Out of which Rs.6 lakhs have already been received by her. The balance amount of Rs.1.25 lakh is paid in the Court today vide Pay Order No.362117 dated 22.11.2011, which has been received by the respondent No.2.

5. Ld. counsel for the respondent No. 2 further submits that the

total amount and articles etc. have already been received by the respondent No. 2 as agreed by the settlement and no issues remains qua the aforesaid FIR. Respondent No.2 states that she does not want to pursue the case further and has no objection if the present FIR is quashed.

6. Ld. APP for the State submits that after investigation, charge-sheet has already been filed in the Court. She prayed that in the event, the FIR is quashed, heavy costs should be imposed upon the petitioners, as the government machinery has been used and the precious time of the Court has been consumed.

7. Ld. counsel for the petitioner, on instructions from the petitioner No. 1 Dr. Kaushal Raj who is working as a Medical Officer in the Rajan Babu Hospital and Institute of Plummary Medicine and Tuberculosis, Kingsway Camp, Delhi, submits that he would like to serve for two weeks in the Home for Children and Destitute Women in Nirmal Chhaya since he is residing nearby Vikaspuri, Delhi.

8. In the above circumstances, I quash the aforesaid FIR No. 127 registered against the petitioners at PS Hari Nagar and all criminal proceedings emanating therefrom.

9. Accordingly, I direct the petitioner No.1 Dr. Kaushal Raj to spend 1 hour daily for 15 days at Nirmal Chhaya, Jail Road, Tihar, New Delhi from 6 to 7 p.m. w.e.f. 28.11.2011.

10. Thereafter, the petitioner No. 1 shall place on record the proof of the same issued by the Superintendent, Nirmal Chhaya.

11. Criminal M.C. 3902/2011 is allowed and disposed of.
12. Dasti.

SURESH KAIT, J

NOVEMBER 25, 2011
RS