

Item No.74

08.11.2012

Present: Mr. B.R. Kaushik, Advocate for the petitioner.
Mr. Sunil Sharma, APP for the State.
ASI B. Raj, PS CWC/Nanakpura.

+ Crl. M.C. No.3872/2012

This is a petition filed by six petitioners for quashing of FIR No.38/2010, u/S 498A/406/34 IPC registered by PS CWC/Nanakpura.

The ground for quashing of the aforesaid FIR and the consequent proceedings is that the petitioner No.1/Manoj Kumar and the respondent No.2/Vandana, who were married on 1.5.2003 have settled their matrimonial disputes, as a consequence of which, their marriage has been dissolved by a decree of divorce dated 4.8.2012 on the basis of mutual consent.

It has been further stated in the petition that in terms of the said settlement, the petitioner No.1 was to pay a total sum of ₹1 lac to the respondent No.2 out of which an amount of ₹50,000/- has already been paid to her and the balance amount of ₹50,000/- has been paid to her today by way of a draft.

The petition is supported by the affidavits of the petitioner Nos.1 to 4 and the petitioner No.6. All these petitioners are present in Court and are

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duly identified by their counsel.

The petitioner NO.5/Malti, daughter of Sh. Ballu Ram was also sent for trial as an accused, being the sister in law of the respondent No.2.

It has been stated by the learned counsel that the petitioner No.5 is missing since 2009 and a report in this regard was lodged with the police station at Faridabad (Old) which was recorded vide DD entry No.36 (A) on 23.10.2009. It has been stated that since then she has not been traced and, therefore, she is not in a position to file an affidavit or come to the Court. It is stated that in the interest of justice, her presence may be dispensed with and the proceedings against all the petitioners be quashed.

The respondent No.2 is present in Court and is duly identified by the IO. She has also filed a separate affidavit supporting the averments made in the petition. She has also stated that she has received the balance payment of ₹50,000/- and has stated that she has no objection to the quashing of the FIR in view of the settlement having been arrived at and divorce having been granted.

The learned APP also does not have any objection.

Having regard to the aforesaid facts, I feel that no useful purpose would be served by keeping the aforesaid FIR and the consequent

proceedings alive.

Accordingly, FIR No.38/2010, u/S 498A/406/34 IPC registered by PS CWC/Nanakpura and the consequent proceedings not only against petitioner Nos.1 to 4 and 6 but also against petitioner No.5/Malti, who is stated to be untraceable, are quashed.

The petition is accordingly disposed of.

File be consigned to the Record Room.

NOVEMBER 08, 2012

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V.K. SHALI, J.