

Himmat Ram and ors. Vs. State and ors.

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Court : Delhi

Decided On : Sep-23-1991

Reported in : I(1992)DMC204; 1991(1)DRJ(Suppl)249

Judge : V.B. Bansal, J.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 498A

Appeal No. : Criminal Miscellaneous (Main) Appeal No. 623 of 1991

Appellant : Himmat Ram and ors.

Respondent : State and ors.

Advocate for Pet/Ap. : R.P. Kathuria,; A.K. Manchanda and; A.K. Aggarwal, Advs

Judgement :

V.B. Bansal, J.

(1) This is a petition under Section 482 of the Code of Criminal Procedure, filed by the petitioners praying for quashing of proceedings in Fir No. 57/89, in Police Station, Kingsway Camp, under Sections 498-A and 406, Ipc, pending in the court of Shri N. K. Kaushik, Metropolitan Magistrate, Delhi.

(2) Briefly stated that the facts leading to the filing of this petition that the petitioner Nos. 1 & 2 are the parents of petitioner No. 3 Rajesh Kumar, petitioner No. 3 was

married to Smt. Shashi, respondent No. 2 on 19.6.87 and thereafter, they started living together as husband and wife. They, however, could not pull on well together and on 6th March, 1989, Smt. Shashi, respondent No. 2 got Fir No. 57/89 recorded against the petitioners, under Section 498-A and 406, Ipc, in Police Station Kingsway Camp, Delhi. Challan was filed in Court and is now pending in the Court of Shri N. R. Kaushik, Metropolitan Magistrate, Delhi fixed for 13th December, 1991.

(3) Parties have entered into compromise since the petitioner No. 3 and respondent No. 2 were not in a position to pull on well. The marriage between them has since been dissolved by a mutual consent decree on 21.9.91 in a Hindu Marriage Application No. 440/91, by Smt. Sharda Aggarwal, Addl. District Judge. In order to settle all the claims, respondent No. 2 has been paid a sum of Rs. 45,000/- No dispute now remains between the parties and statements of petitioner Nos. 1 & 3 and respondent No. 2 have in this regard been recorded.

(4) From the facts, it is clear that on account of their inability to live together the marriage between the petitioner No. 3 and respondent No. 2 has already been dissolved. They have settled all their disputes and respondent No. 2 has already been compensated for all her claims, by the petitioners,

(5) In these circumstances, I am clearly of the view that it would be in the interest of justice that the proceedings against the petitioners, under Sections 498-A and 406; Ipc, should not continue.

(6) As a result, the petition is allowed and the proceedings against the petitioners, pending in the Court of Shri N. K.- Kaushik, Metropolitan Magistrate, Delhi, under Sections 498-A and 406 IPC., in Fir No. 57/89 in Police Station Kingsway Camp, Delhi, stands quashed.

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