

Amit Jain and ors. Vs State

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Court : Delhi

Decided On : Jul-22-2010

Judge : Mr. Hima Kohli, J.

Acts : Code Of Criminal Procedure (CRPC) - Sections 482, 125; ; Indian Penal Code (IPC) - Sections 406, 34, 498(A)

Appeal No. : Crl.M.C. No. 2320/2010 & Crl.M.A.No.12538/2010

Appellant : Amit Jain and ors.

Respondent : State

Advocate for Def. : Mrs. S. Kohli, Adv.

Advocate for Pet/Ap. : Mr. Rajnish Kumar Adv.

Judgement :

1. Whether Reporters of Local papers may No be allowed to see the Judgment?
2. To be referred to the Reporter or not? No
3. Whether the judgment should be No reported in the Digest?

ORDER

1. The present petition is filed by the petitioners under Section 482 Cr.P.C. read with Article 226 of the Constitution of India, praying inter alia for quashing of FIR

No.268/2008 and the proceedings arising there from, lodged by the petitioner No.6 against her husband, the petitioner No.1, her two brothers-in-law, petitioners No.2 & 3, petitioner No.4, wife of petitioner No.2 and petitioner No.5, her mother-in-law, under Sections 498-A/406/34 IPC registered with PS Najafgarh.

2. It is stated in the petition that the marriage of petitioner No.1 and petitioner No.6 got solemnized on 23.1.2007, as per the hindu rites and customs and that there is no child born from out of the wedlock. Thereafter, some disputes arose between the parties, who started living separately. The petitioner No.6 lodged the aforesaid FIR against the petitioners No. 1 to 5 on 3.5.2008. After completion of the investigation, a charge sheet has been filed, which is stated to be pending before the Court of the learned MM, Dwarka. Simultaneously, the petitioner No.6 also filed a complaint against the petitioners No.1 to 5 under Section 125 Cr.P.C. and a separate petition was filed by her under the Domestic Violence Act. Petitioner No.1 was granted regular bail by the court of the learned MM, whereas other petitioners No.2 to 5 were granted anticipatory bail by the learned ASJ.

3. When petitioner No.6 filed an appeal against the order of the learned ASJ, and sought cancellation of the regular bail granted to petitioner No.1, with the efforts made by the learned ASJ, the parties arrived at a settlement. The settlement was duly recorded in the order dated 4.3.2009 passed by the learned ASJ. In terms of the settlement, the petitioners No.1 to 5 agreed to pay a total amount of Rs.4,57,500/- to the petitioner No.6, in installments. The parties also agreed that they would apply for a divorce by mutual consent and withdraw all the criminal proceedings initiated by the petitioner No.6 against the petitioners No.1 to 5. Pursuant thereto, both the parties filed a joint application for grant of divorce by mutual consent, which was granted by the concerned court vide order dated 15.4.2010. Out of the sum of Rs.4,75,500/-, a sum of Rs.3,28,750/- is stated to have been paid to the petitioner No.6, who is present in the court and confirms having received the aforesaid amount. The remaining amount of Rs.1,28,750/- offered today by way of a pay order bearing No.016807 drawn on Central Bank of India, Narayana in favour of petitioner No.6 is handed over by the counsel for petitioners No.1 to 5 to her.

4. The petitioner No.6 states that the aforesaid settlement has been arrived at with the petitioners No.1 to 5 of her own free will and volition and without any undue influence or coercion from any quarters and having received the entire agreed amount, nothing further is due and payable by petitioners No.1 to 5 and that now she has no objection to the FIR being quashed. It is further confirmed by her that the other proceedings under Section 125 Cr.P.C. and those initiated by her under the Domestic Violence Act have also been withdrawn by her, in terms of the settlement. Learned APP for the State also states that in view of the settlement arrived at between the parties, she has no objection to the quashing of the FIR.

5. There appears no legal impediment in accepting the settlement, which appears to have been arrived at between the parties voluntarily and without any pressure. The parties shall remain bound by the terms and conditions thereof. No useful purpose shall be served by continuing with the FIR in view of the aforesaid position. The present petition is accordingly allowed. FIR No.268/2008 and all the proceedings arising therefrom, stand quashed.

6. The petition is disposed of. File be consigned to the record room.

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