

**Omkar and ors Vs State and anr.**

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**SooperKanoon Citation :** [sooperkanoon.com/904872](http://sooperkanoon.com/904872)

**Court :** Delhi

**Decided On :** Jul-21-2010

**Judge :** Mr. Hima Kohli, J.

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

**Appeal No. :** CRL. M.C. 1790/2010

**Appellant :** Omkar and ors

**Respondent :** State and anr.

**Advocate for Def. :** Mr. M.N. Dudeja, Adv.

**Advocate for Pet/Ap. :** Mr. T.S. Verma, 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 of the Cr.PC praying inter alia for quashing of FIR No.190/2004, lodged by the respondent

No.2, wife of the petitioner No.1 and daughter-in-law of petitioner No.2 under Sections 406/498A/34 IPC with Police Station: Keshav Puram.

2. It is stated in the petition that the marriage of petitioner No.1 and respondent No.2 was solemnized on 30.06.2001 and there is no issue from out of this wedlock. In the year 2004, FIR No.190/2004 was registered by the respondent No.2 against the petitioners and the mother-in-law of the respondent No.2, who has since expired. After carrying out the investigation, a challan was filed by the police authorities in the court, which is now pending before the court of the learned Metropolitan Magistrate, Rohini Courts, Delhi. In the meantime, the parties negotiated a settlement with each other in terms of which, a mutual divorce was granted to the parties vide judgment and decree dated 16.01.2006 (Page-19). It is stated that in terms of the settlement arrived at between the parties, the petitioner No.1 has paid a sum of Rs.1.5 lacs to the respondent No.2/complainant in full and final settlement of all her claims against the petitioners.

3. The respondent No.2/complainant, who is present in Court, confirms the aforesaid position and states that after the mutual divorce took place between the parties, she has got re-married. The petitioner No.1 also states that he has divorced respondent No.2 and got remarried and neither of the parties has any claim left against each other. Learned APP states that in view of the settlement arrived at between the parties, he has no objection to the quashing of the FIR.

4. This Court has perused the petition and the documents placed on the record and has also interacted with the parties, who are present in Court. Having regard to the submissions made by the parties that they have arrived at a negotiated settlement and have also obtained a mutual divorce where after, they have gone their respective ways by getting re-married, no useful purpose will be served by proceeding further with the aforesaid FIR. FIR No.190/2004 and all the proceedings arising therefrom, are quashed.

5. The petition is disposed of.