

Bharat @ Titu and ors Vs. State and anr

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SooperKanoon Citation : sooperkanoon.com/920986

Court : Delhi

Decided On : Sep-27-2011

Judge : Suresh Kait, J.

Acts : [Indian Penal Code \(IPC\), 1860 \(IPC\)](#) - Sections 498A, 406, 34

Appeal No. : CRL.M.C.No.3235/2011

Appellant : Bharat @ Titu and ors

Respondent : State and anr

Advocate for Def. : Ms.Rajdipa Behura, Adv.

Advocate for Pet/Ap. : Mr.Pratap Singh, Adv.

Judgement :

1. Learned counsel for the petitioners submits that vide FIR No.107/2008 dated 04.03.2008 a case under Section 498A/406/34 Indian Penal Code, 1860 has been registered against the petitioners on the complaint of respondent No.2 at police station Patel Nagar, New Delhi. Crl.M.C.No.3235/2011 Page 1 of 4

2. Further submits that a settlement has already been arrived at between the petitioners and respondent No.2 before the Mediation Centre, Tis Hazari Courts, Delhi on 18.05.2011. Vide decree of divorce dated 01.02.2011, marriage between the respondent No.2 and petitioner No.1 has been dissolved.

3. Learned counsel for the petitioners further submitted that respondent No.2 does not wish to pursue present case any further.

4. Respondent No.2 is present in person with her learned counsel Mr.Ashok Kumar Sabharwal, Advocate who has duly identified her. Shri Sunil Kumar, brother of respondent No.2 is also present with respondent No.2. In addition, respondent No.2 has produced her original voter identity card bearing No.SMM0050567, which is issued in her name by Election Commission of India. Original seen and returned to her.

5. Respondent No.2 submits that she has settled the matter with the petitioners and as per settlement dated 18.05.2011, she has received total amount of ` 2,30,000/- and nothing remains due against the petitioners and she CrI.M.C.No.3235/2011 Page 2 of 4 does not wish to pursue present case against the petitioner. She has no objection, if the present FIR is quashed.

6. Ms.Rajdipa Behura, learned APP for State submits that after investigation in the present matter, charge-sheet has been filed and matter is pending trial after framing of charge. Thus, government machinery has been used and if the quashing is allowed, heavy costs must be imposed upon the petitioners.

7. Keeping the settlement dated 18.05.2011 into view and the fact that marriage between the respondent No.2 and petitioner No.1 has already been dissolved and respondent No.2 does not wish to pursue her case any further, in the interest of justice, FIR No.107/2008 under Section 498A/406/ 34 Indian Penal Code, 1860 registered against the petitioners at police station Paten Nagar, New Delhi and the proceedings emanating thereto are hereby quashed.

8. I find force in the submission of learned APP for State, however considering the financial conditions of the petitioners, I refrain in imposing any costs upon them.

9. Accordingly, Criminal M.C. No.3235/2011 is allowed and disposed of in above terms.

10. Dasti.