

Praveen Kumar Vs. State and ors

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Court : Delhi

Decided On : Nov-17-2011

Judge : Suresh Kait, J.

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

Appeal No. : CRL.M.C. 3776 of 2011

Appellant : Praveen Kumar

Respondent : State and ors

Judgement :

1 Learned counsel for the petitioners submits that an FIR No. 301/2010 was registered under Sections 406/498 A/406 of Indian Penal Code, 1860 at P.S. Patel Nagar on the complaint of complainant/respondent No. 2.

2 Further submits that the petitioner had filed a divorce petition and the same was allowed vide order dated 22.10.2009 as ex-parte divorce decree.

3 Thereafter, respondent No. 2 had moved an application for setting aside the ex-parte divorce decree.

4 In between, on 26.04.2011, the disputes between the parties got settled in the Mediation and Conciliation Centre, Delhi High Court for a total sum of Rs.6,97,000/-

- 5 Further submits that the entire amount has been given to respondent No. 2/complainant.
- 6 Respondent No. 2/complainant is personally present in the court today with her counsel, Mr. Praveen Kumar Pachauri, Advocate, who duly identifies her. He submits upon instructions of respondent No.2 that she has received entire settled amount and she does not want to pursue the case further and she has no objection if the present FIR is quashed.
- 7 Learned APP for State upon instructions of W/ASI Prabha submits that the investigation in the matter has been completed and the Charge sheet has been filed in the court which is pending for consideration.
- 8 She further submits that the Government Machinery has been mis- used and precious time of the court has been consumed, therefore heavy costs should be imposed upon the petitioners before quashing the FIR.
- 9 I find force in the submissions made by learned APP.
- 10 Counsel for the petitioner upon instruction submits that the petitioner is ready to contribute a sum of Rs.25,000/- towards welfare fund.
- 11 Accordingly, keeping in view the statement of respondent No.2/ complainant and in the interest of justice, I quash the FIR No. 301/2010 registered under Sections 406/498 A/34 IPC at P.S. Patel Nagar and all the proceedings emanating therefrom.
- 12 I direct the petitioner to deposit a sum of Rs.25,000/- in favour of Principal/Head Master, Nursery Primary School for mentally retarded children, Mayur Vihar, Delhi within a period of 02 weeks from today. Proof of the same be placed on record. The said Principal / Head Master is further directed to keep the said money in FDR initially for 3 years, thereafter to be renewed periodically. I make it clear that the interest amount accrued thereon shall be utilized for well being of the needy children of the School.
- 13 Criminal M.C. 3776/2011 is allowed on the above terms.

14 Dasti.

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