

**Sunil Talwar and anr Vs. State**

**Sunil Talwar and anr Vs. State**

**SooperKanoon Citation :** [sooperkanoon.com/922595](http://sooperkanoon.com/922595)

**Court :** Delhi

**Decided On :** Nov-24-2011

**Judge :** Suresh Kait, J.

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

**Appeal No. :** CRL.M.C. No. 3346 of 2011

**Appellant :** Sunil Talwar and anr

**Respondent :** State

**Judgement :**

1. Issue notice.
2. Ms.Rajdipa Behura, learned APP for State/respondent accepts notice.
3. Learned counsel for petitioners submits that a case under Section 498A/406 Indian Penal Code, 1860 was registered against the petitioner No.1 on the complaint of petitioner No.2 vide FIR No.399/2008 at police station Mangolpuri, Delhi.
4. He further submits that vide the settlement deed dated 15.09.2009, all the issues qua the aforesaid FIR have been resolved and the marriage between the petitioners already dissolved by mutual consent divorce vide decree dated 20.08.2011.

5. Learned counsel for petitioners additionally submits that having settled the matter with the petitioner No.1, petitioner No.2 does not wish to pursue her case against petitioner No.1 and she has no objection, if the present FIR is quashed.

6. Petitioner No.2 Smt.Bharti Talwar d/o Shri O. N. Narang is personally present in the Court. She has been duly identified by the IO/SI Uma Dutt, police station Mangolpuri. She further submits that she has settled all the issues qua the present FIR with the petitioner No.1 and she has no objection if the FIR in question is quashed.

7. On instructions, learned APP for State submits that on completion of the investigation, charge-sheet has been filed against the petitioner No.1 in the Trial Court; however, charge yet not been framed against him. She further submits that since the government machinery has been put into operation and precious time of the Court has been used, heavy costs may be imposed upon the petitioner No.1, if this Court is inclined to quash the FIR.

8. Learned counsel for petitioner, on instructions from petitioner No.1, submits that petitioner No.1 wishes to donate some amount for the welfare purposes. I appreciate the gesture advanced by petitioner No.1.

9. Accordingly, petitioner No.1 is directed to deposit a sum of ` 50,000/- in favour of the Principal/Head Master, Nursery Primary School for Mentally Retarded Children, Mayur Vihar, Delhi within two weeks from today. Proof thereof shall be placed on the record.

10. It is further directed that the Principal/Head Master of the School shall keep this amount in FDR initially for two years with any Nationalised Bank to be renewed periodically at the disposal of the Principal / Head Master and the interest accrued thereon shall be utilised for the well being of the needy children of the school.

11. Keeping the settlement between the petitioners and the fact that their marriage has since been dissolved, FIR No.399/2008 under Section 498A/406 Indian Penal Code, 1860 registered against the petitioner No.1 at police station Mangolpuri,

Delhi and emanating proceedings thereto, if any, are quashed.

12. Accordingly, Criminal M.C.No.3346/2011 stands allowed and disposed of.

13. Dasti.

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**