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Prem Prakash and ors Vs. State and anr

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Court : Delhi

Decided On : Nov-21-2011

Judge : Suresh Kait, J.

Acts : Indian Penal Code (IPC) - Sections 498A, 406, 34

Appeal No. : CRL.M.C. 3804 of 2011

Appellant : Prem Prakash and ors

Respondent : State and anr

Judgement :

1 Notice issued.

2 Mr. Navin Sharma, learned APP for State and Mr. Mohan Sharma, Advocate accept notice on behalf of respondent No.1/State and respondent No.2/complainant.

3 Learned counsel for the petitioners submits that vide FIR No. 490/2009, a case under Section 498A/406/34 IPC was registered at P.S. Jahangirpuri, Delhi against the petitioners on the complaint of respondent No. 2/complainant.

4 It is further submitted that the parties have amicably settled the matter and the marriage between petitioner No.1/husband and respondent No.2/wife has been dissolved amicably vide a decree of mutual consent.

5 Respondent No. 2 is personally present in the court. She has been duly identified by IO/SI Anil Kumar. 6 Mr. Mohan Kumar, Advocate/counsel for respondent No.2 submits on her instructions that she does not want to pursue the case further as all her claims qua the aforesaid FIR have been satisfied and she has no objection if the present FIR is quashed. 7 Learned APP for State submits that the investigation of the case is at advanced stage though charge-sheet has not been filed. 8 He further submits that heavy costs should be imposed upon the petitioners before quashing the FIR as Government Machinery and precious time of the court has been consumed. 9 In the above circumstances and in the interest of justice, I quash the FIR No. 490/2009, P.S. Jahangir Puri, and all the emanating proceedings therefrom.

10. I find force in the submission made by learned APP for State, but refrain imposing costs upon the petitioners in view of their poor financial condition, as petitioner No.1 is working on a meagre salary of Rs.3,500/- per month in a factory and other petitioners are the relatives of petitioner No.1.

11 Criminal M.C. 3804/2011 is allowed and disposed of.

12 Dasti.

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