

Harvinder Singh and Others Vs. State and Others

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Court : Delhi

Decided On : Mar-30-2012

Judge : Suresh Kait

Appeal No. : CRL.M.C. 1143 of 2012

Appellant : Harvinder Singh and Others

Respondent : State and Others

Judgement :

SURESH KAIT SURESH KAIT, J. (Oral) + CrI. M.C. 1143/2012

1. Notice issued.
2. Ld.APP accepts notice on behalf of the State / R1.
3. Vide the instant petition, petitioner has sought to quash the proceedings relating to the case FIR no. 204 dated 31.07.2008 registered at PS-Vikas Puri, under Section 498/406/34 Indian Penal Code, 1860 against the petitioners and emanating proceedings thereto.
4. Ld. Counsel for the petitioners submits that aforesaid FIR was registered against the petitioners on the complaint of respondent no. 2. Thereafter, respondent no. 2 has settled all the issues qua the aforesaid FIR against the petitioners and she is no more interested to pursue the case further.

5. Ld. Counsel for the petitioners further submits that Petitioner no. 1 agreed to pay Rs.3,50,000/- to respondent no. 2 and an FDR of which is lying on the judicial file of trial court. Therefore, instant petition may be allowed.

6. Respondent no. 2 is personally present in the Court. ASI Dharamvir Singh, IO of the case has identified her as complainant.

7. She submits that she has settled all the issues qua the aforesaid FIR and she is no more interested to pursue the case further subject to the release of the amount of Rs.3,50,000/-, which is lying on the trial court record in the form of FDR.

8. Ld. APP on the other hand submits that after investigation, charge-sheet has been filed, charges have been framed and the case is fixed for prosecution evidence.

9. She further submits that if this court is inclined to quash the FIR, some costs be imposed upon the petitioners as in this process govt. machinery has been pressed into and precious public time has been consumed.

10. Keeping the statement of respondent no. 2 in to view, as she is no more interested to pursue the case, and in the interest of justice FIR no. 204/2008, registered at PS-Vikas Puri with emanating proceedings are hereby quashed.

11. Though, I find force in the submission of Ld. APP on costs, however, keeping in view the financial position of the petitioners, I refrain in imposing costs upon them.

12. Accordingly, Crl. M.C. 1143/2012 is allowed.

13. In the facts and circumstances of the case the trial court is directed to release the aforementioned FDR for the amount of Rs.3,50,000/- in favour of respondent No.2/complainant.

14. Since the main petition is allowed, Crl. M.A. 4009/2012 (Stay) become infructuous and disposed of as such.

15. *Dasti.*