

Abid Ahmed and Others Vs. State and Others

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Court : Delhi

Decided On : Feb-21-2012

Judge : Suresh Kait

Appeal No. : CRL.M.C. No.629 of 2012

Appellant : Abid Ahmed and Others

Respondent : State and Others

Judgement :

SURESH KAIT, J.

(Oral)

Crl.M.A.No.2181/2012 (exemption)

Exemption is allowed subject to just exceptions. Criminal M.A. stands disposed of.

CRL.M.C. No.629/2012

1. Notice issued.

2. Ms.Rajdipa Behura, learned APP on behalf of respondent No.1/State and Mr.Naveen Kumar, learned counsel on behalf of respondent No.2 accepts notice.

3. Learned counsel for petitioners submits that vide FIR No.129/2008 dated 31.05.2008 a case under Sections 498A/406/34 Indian Penal Code, 1860 was registered against the petitioners on the complaint of respondent No.2 at police station Jamia Nagar, New Delhi.

4. It is further submitted that vide compromise deed dated 01.10.2011, respondent No.2 has settled all the issues qua the aforesaid FIR against the petitioners, therefore, she is not interested in pursuing this case against them. She also has no objection, if the aforementioned FIR is quashed.

5. Respondent No.2 present in person with her counsel Mr.Naveen Kumar, who duly identifies her.

6. On instructions, learned counsel for respondent No.2 has submitted that she has settled all the issues qua the aforesaid FIR with the petitioners vide compromise deed dated 01.10.2011. Pursuant thereto, the marriage between respondent No.2 and petitioner No.1 has already been dissolved by Talaqnama conveyed to her as per Muslim Personal Law.

7. Learned counsel further submitted that she is no more interested in pursuing the aforementioned FIR and further has no objection, if the same is quashed.

8. On the other hand, learned APP submitted that on completion of investigation, charge-sheet had been filed before learned Trial Court and matter is pending for framing of charge.

9. She further submitted that if this Court is inclined to quash the FIR, heavy costs may be imposed upon the petitioners, as in the process government machinery has been pressed into and precious public time has been consumed.

10. Keeping the compromise dated 01.10.2011, Talaqnama between petitioner No.1 and respondent No.2, as well as statement of respondent No.2 that she is no more interested to pursue the case against petitioners into view; in the interest of justice, FIR No.129/2008 registered against the petitioners at police station Jamia Nagar, New Delhi and proceedings emanating thereto are hereby quashed.

11. I find force in the submission of learned APP regarding imposing terms on the petitioners. Accordingly, a cost of ` 25,000/- imposed upon petitioner No.1. No cost is being imposed upon petitioner Nos.2 to 5.

12. Petitioner No.1 is directed to deposit the said costs of ` 25,000/- in favour of 'Middle School for Deaf, Sector - 4, Rohini, Delhi' within two weeks from today, under intimation to the IO/SHO, PS Jamia Nagar, New Delhi.

13. The Principal/Head Master of above school is directed to keep the above amount of costs in FDR initially for 02 years with any Nationalized bank and thereafter get the same renewed periodically. The interest accrued thereon shall be utilized for the well being of the needy children of the school.

14. The IO concerned/SHO, police station Jamia Nagar, New Delhi shall ensure the timely deposition of cost by petitioner No.1 with said school.

15. Consequently, Criminal M.C.No.629/2012 is allowed and stands disposed of in above terms.

16. Dasti