

Mehmood Ali and Others Vs. State and Another

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Court : Delhi

Decided On : Feb-17-2012

Judge : Suresh Kait

Appeal No. : CRL.M.C. 593 & 595 OF 2012

Appellant : Mehmood Ali and Others

Respondent : State and Another

Judgement :

SURESH KAIT, J

(Oral)

CRL.M.C. 593/2012

1. Issue notice.
2. Mr. Navin Shrama, learned APP accepts notice on behalf of the State.
3. Respondent No.2 is present in person in the Court today. She has been identified by SI Prem Singh, Investigating Officer of the case.
4. Learned counsel for the petitioners submits that vide FIR No. 277 dated 22.07.2011, case under Sections 406/498-A/34 of Indian Penal Code, 1860 was registered at P.S. Malviya Nagar, Delhi against the petitioners, on the complaint of

respondent No.2.

5. Learned counsel for the petitioners further submits that the dispute has been resolved vide MOU dated 03.11.2011 between petitioner No.1 and Respondent No.2 vide which petitioner No. 1 has agreed to pay a total sum of `1,30,000/- towards full and final settlement against all the claims including maintenance, present, past and future alimony, out of which `60,000/- has already been paid to respondent No.2 and `70,000/- has been handed over in cash to respondent No.2 in Court today. It is further submitted that consequent to the aforesaid MOU dated 03.11.2011 marriage between the petitioners No.1 and respondent No.2 has already been dissolved by decree of divorce dated 04.02.2012.

6. Learned counsel for the petitioners further submits that the matter has been compromised, marriage between petitioner No.1 and respondent No.2 has been dissolved.

7. Respondent No.2 has submitted that she has received the settlement amount and marriage between them has already been dissolved, therefore, she is no more interested to pursue the case and has no objection if the above mentioned FIR be quashed.

8. Learned APP for the State submits that the charge-sheet has been filed and the matter is pending for consideration of charge. He further submits that in this process Government machinery has been misused and precious time of the Court has been consumed. If this court is inclined to quash the FIR, heavy costs should be imposed upon petitioners. Though, I find force in the submissions of Id. APP on costs, however, keeping the financial position of the petitioners, I refrain on imposing costs on them.

9. Keeping in view of the MOU dated 03.11.2011, decree of divorce dated 04.02.2012 and statement of respondent No.2 who is no more interested to pursue the case, therefore, in the interest of justice, I quash the FIR No. 277 dated 22.07.2011 registered at P.S. Malviya Nagar and all the proceedings emanating therefrom.

10. Criminal M.C. 593 and 595/2012 is disposed of.

11. Dasti.

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