

Deepak Nangia and Others Vs. State and Another

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SooperKanoon Citation : sooperkanoon.com/948355

Court : Delhi

Decided On : Feb-17-2012

Judge : Suresh Kait

Appeal No. : CRL.M.C. 408 OF 2012

Appellant : Deepak Nangia and Others

Respondent : State and Another

Judgement :

SURESH KAIT, J

(Oral)

1. Notice issued.
2. Ld. APP accepts notice on behalf of the State.
3. Mr. Diwakar Sharma, Adv. accepts notice on behalf of respondent no. 2.
4. With the consent of Id. Counsels for the parties, the instant petition is taken for disposal.
5. Ld. Counsel for the petitioner submits that vide FIR no. 223 dated 06.06.2011, case under Section 498A/406/34 Indian Penal Code, 1860 was registered at PS-Malviya Nagar against the petitioners on the complaint of respondent no. 2.

6. It is further submitted that thereafter vide settlement dated 04.07.2011, respondent no. 2 has settled all the issues qua the aforesaid FIR. Pursuant to the said settlement, First Motion for dissolution of marriage is already over on 10.01.2012. The Second Motion shall be filed after the passing of statutory period.

7. It is further submitted that as per the settlement mentioned above, petitioner no. 1 agreed to pay Rs.5 Lacs to respondent no.2 and the same has been paid. Therefore, she is no more interested to pursue the case further.

8. Respondent no. 2 is personally present in the court with her Counsel Mr. Diwakar Sharma, Adv. SI Prem Singh, IO of the case is also present in the court and has identified her as respondent no. 2.

9. Ld. Counsel for the respondent on instruction has submitted that as per the settlement dated 04.07.2011, respondent no. 2 has received the entire amount and she is no more interested to pursue the case. It is further submitted that First Motion for dissolution of the marriage by mutual consent is already over and the Second Motion will be filed after the passing of Statutory period.

10. On the other hand, Ld. APP for State submits that case is pending for investigation and if this Court is inclined to quash the FIR, heavy costs be imposed upon the petitioners as in this process Govt. machinery has been used and precious time of the court has been consumed.

11. Keeping the settlement dated 04.07.2011 into view and the statement of respondent no. 2 who is no more interested to pursue the case further as she has received the entire settlement amount from the petitioner no. 1, in the interest of justice, FIR no. 223/2011 registered at PS-Malviya Nagar is hereby quashed.

12. Though I find force in the submission of Id. APP for State, however, keeping the financial position of the petitioners into view, I refrain in imposing cost upon them.

13. Accordingly, Crl. M.C. 408/2012 is allowed.

14. Dasti

