

Bal Kishan Arora Vs. State and Another

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Court : Delhi

Decided On : Feb-28-2012

Judge : Suresh Kait

Appeal No. : CRL.M.C. 748 of 2012

Appellant : Bal Kishan Arora

Respondent : State and Another

Judgement :

SURESH KAIT, J. (Oral)

Crl. M.A. 2629/2012 (exemption)

Exemption is allowed subject to just exceptions.

Criminal M.A. stands disposed of.

Crl. M.C. 748/2012

1. Notice issued.
2. Ld. APP accepts notice on behalf of State/R1.
3. Respondent no. 2 is personally present in the court.

4. With the consent of the Id. Counsel for parties, instant petition is taken for final disposal.
5. Ld. Counsel for the petitioners submit that vide FIR no.617 dated 22.11.2007, case under Section 498A/406/34 Indian Penal Code, 1860 was registered against the petitioners on the complaint of respondent no. 2 at PS-Moti Nagar.
6. It is further submitted that a compromise has been arrived at between petitioner no. 1 and respondent no. 2, thereby settled all the issues qua the aforesaid FIR against the petitioners.
7. It is further submitted that consequent to the settlement, marriage between petitioner no. 1 and respondent no. 2 has been dissolved vide Decree of Divorce dated 13.05.2011. Thus, respondent no. 2 is no more interested to pursue the case further, therefore, in the interest of justice instant petition may be allowed.
8. Respondent no. 2 Smt. Sunita Arora, d/o Sh. Gopi Chand, R/o, WZ-78, Raja Garden, New Delhi is personally present in the court. In support of her identity, she has produced Voter I-Card bearing no. JXR0728659 issued by Election Commission of India. She submits that she has settled all the issues qua the aforesaid FIR against the petitioners.
9. She further submits that as per the settlement, petitioner no. 1 had agreed to pay a sum of Rs.5.5 Lacs, out of which she has already received Rs.4.0 Lacs and balance amount of Rs.1.5 Lac has been received today in the court itself by way of cash. She further submits that marriage between her and petitioner no. 1 has been dissolved vide Decree of Divorce dated 13.05.2011 by mutual consent, therefore, she is no more interested to pursue the case further. If the FIR referred above is quashed, she has no objection.
10. Ld. APP on the other hand submits that after investigation State has filed the charge-sheet. Charges have been framed against the petitioners and the case is fixed for Prosecution Evidence.
11. Ld. APP further submits that in this process Govt. machinery has been pressed into and precious time of the court has been consumed, therefore, if

this court is inclined to quash the FIR, heavy costs be imposed on the petitioners.

12. Keeping the settlement, dissolution of marriage vide Decree of Divorce dated 13.05.2011 and the statement of respondent no. 2 into view that she is not interested to pursue the case further, therefore, in the interest of justice, FIR no. 617 dated 27.11.2007 registered at PS-Moti Nagar is quashed with emanating proceedings thereto.

13. However, I find force in the submission of Id. APP on costs, therefore while quashing the FIR referred above, I impose a cost of Rs.50,000/- on the petitioner no. 1.

14. Accordingly, petitioner no. 1 is directed to pay the aforesaid amount in favour of Welfare Fund for Children and Destitute Women, Nirmal Chhaya, Jail Road, Tihar, New Delhi, within 2 weeks from today within intimation to SHO concerned. Proof thereof shall be placed on record. SHO concerned shall ensure the timely deposition of the costs mentioned above.

15. Incharge of Nirmal Chhaya is further directed to keep the aforesaid amount in FDR initially for a period of 2 years, to be renewed periodically. Interest accrued thereon shall be utilized for the well-being of needy children and destitute women.

16. Crl. M.C. 748/2012 is allowed on the above terms.

17. Dasti