

Rajesh Kumar @ Raju and Others Vs. State and Another

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Court : Delhi

Decided On : Feb-24-2012

Judge : Suresh Kait

Appeal No. : CRL.M.C. 3748 of 2011

Appellant : Rajesh Kumar @ Raju and Others

Respondent : State and Another

Judgement :

KAIT SURESH KAIT, J.

(Oral)

1. Learned counsel for the petitioners submits that vide FIR No. 837/2006 dated 12.08.2006, a case under Section 498-A/406/34 of the Indian Penal Code, was registered at P.S. Paschim Vihar, New Delhi against the petitioners, on the complaint of respondent No.2.
2. It is further submitted that thereafter the matter has amicably been settled between the parties.
3. Consequent to the settlement, the marriage between the Respondent No.2 and the petitioner No.1 has been dissolved by mutual consent divorce decree dated 13.12.2010.

4. Ld. Counsel further submits that the respondent No.2/complainant does not wish to pursue the case, therefore the FIR mentioned above and all emanating proceedings thereto may be quashed.

5. Respondent No.2 is personally present with her counsel. She has been identified by ASI Joginder Singh, IO of the case. Ld. Counsel for respondent No.2 submitted that she has settled all the issues qua the aforesaid FIR and pursuant to the aforesaid settlement the marriage between the respondent No.2 and the petitioner No.1 has been dissolved by mutual consent. Therefore, she is not interested to pursue the case further and she has no objection if the above mentioned FIR and the consequent proceedings emanating there from be quashed.

6. Learned APP for the State, on the other hand, submits that if this court is inclined to quash the FIR, heavy costs should be imposed upon petitioners as in this process Government machinery has been pressed into and precious time of the Court has been consumed.

7. Keeping in view of the settlement arrived at between the respondent No.2; the fact that the marriage between the respondent No.2 and the petitioner No.1 has been dissolved by mutual consent divorce decree dated 13.12.2010; and the statement of the respondent No.2 who is no more interested to pursue the case further, therefore, in the interest of justice, I quash the FIR No. 837 dated 12.08.2006 registered at P.S. Paschim Vihar, New Delhi with all the criminal proceedings emanating there from.

8. Though, I find force in the submissions of Id. APP, however, keeping the financial position of the petitioners, I refrain from imposing costs on them.

9. Criminal M.C. 3748/2011 is disposed of.

10. Dasti.