

Raj Kumar and Others Vs. State and Another

Raj Kumar and Others Vs. State and Another

SooperKanoon Citation : sooperkanoon.com/948596

Court : Delhi

Decided On : Feb-24-2012

Judge : Suresh Kait

Appeal No. : CRL.M.C. No. 172 of 2012

Appellant : Raj Kumar and Others

Respondent : State and Another

Judgement :

SURESH KAIT, J.

(Oral)

1. Learned counsel for the petitioner submits that vide FIR no. 806/1998 dated 07.11.1998 registered at PS Ashok Vihar u/s 498A/406/34 Indian Penal Code, 1860 against the petitioners.

2. It is further submitted that respondent no. 2 thereafter amicably settled all the issues qua the aforesaid FIR and consequent to the settlement, marriage between petitioner no. 1 and respondent no. 2 has been dissolved by mutual consent vide decree of divorce dated 17.04.2000.

3. It is further submitted that petitioner no. 1 and respondent no. 2 have already remarried with the respective persons and living happily with their spouses.

4. Respondent no. 2 is personally present in the court and has been identified by learned counsel for the petitioner and submits that she has settled all the disputes qua the aforesaid FIR and has already married to someone and living happily. She has no objection if the FIR mentioned above thereto is quashed.

5. On the other hand, learned APP submits that in the present case, chargesheet has already been filed and charges have been framed and the matter is pending for prosecution evidence.

6. Further submits that if this court is inclined to quash the FIR, heavy cost should be imposed upon the petitioners. As in this process government machinery has been pressed into and precious time of the court has been consumed.

7. Keeping the settlement into view, statement of respondent no.2, that she has remarried and leading her life happily and she has no objection if the abovementioned FIR is quashed. Therefore, in the interest of justice, I quashed the FIR no. 806/1998 dated 07.11.1998 registered at PS Ashok Vihar u/s 498A/406/34 Indian Penal Code, 1860 with emanating proceedings thereto against the petitioners.

8. Though, I found forced in the submission made by learned APP but keeping the financial position of the petitioner into view, I refrain from imposing cost on them.

9. Hence, the present petition is allowed.