

Sanjay Mittal and ors Vs. State and Another

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Court : Delhi

Decided On : Mar-30-2012

Judge : Suresh Kait

Appeal No. : CRL.M.C. 1122 of 2012

Appellant : Sanjay Mittal and ors

Respondent : State and Another

Judgement :

SURESH KAIT, J. (Oral)

CRL. M.A. 3945/2012 and 3947/2012 (Exemption)

Allowed subject to all just exceptions.

CRL. M.A. 3946/2012 (Delay)

Delay condoned, application disposed of.

CRL.	M.C.	1122/2012
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1. Notice issued.

2. Ms. Rajdipa Behura, learned APP for State accepts notice.

3. Respondent No.2 is present in the court today with her father Sh. Bajrang Lal Jain.
4. With the consent of the parties, the instant petition is taken up for final disposal.
5. Vide the instant petition, the petitioners have sought quashing of FIR. No. 330/2009 registered against the petitioners on the complaint of respondent No.2 at P.S. Mansarovar Park, Delhi and emanating proceedings therefrom for the offences punishable under Section 498A/406/34 Indian Penal Code, 1860.
6. Further submits that vide settlement dated 30.09.2010, the matter has been compromised between the parties for a total sum of Rs.6 lac to be paid by petitioner No.1 to respondent No.2 for all her claims regarding maintenance and alimony etc.
7. Petitioner No.1, who is present in person submits that he has brought the balance amount of Rs.1 lac to be paid to the respondent No.2, the same has been handed over to her in Court.
8. The marriage between petitioner No.1 and respondent No. 2 has already been dissolved vide decree of divorce dated 05.08.2011, therefore, the instant petition may be allowed.
9. Respondent No. 2, who is present in court has been duly identified by IO/SI Ram Niwas, CAW Cell, North East. She submits that in view of the settlement, she does not want to pursue the case further. She has received the entire settlement amount and has no objection if the aforementioned FIR along with consequent proceedings emanating therefrom are quashed.
10. Ld. APP for State that the Charge-sheet in the instant case has been filed and charges are yet to be framed.
11. Learned APP further submits that if this court is inclined to quash the FIR in the present case, then heavy costs should be imposed upon the petitioners as in the process, the government machinery has been pressed into and precious public time has been consumed.

12. I find force in the submissions made by learned APP for State on costs. Accordingly, I direct the petitioner No.1 to deposit a sum of Rs.1 lac in form of FDR in name of minor child Siya, till she attains majority and hand over the same to respondent No.2 within a period of 06 weeks

13. The aforesaid amount of FDR and interest accrued thereupon shall be withdrawn by her on attaining majority.

14. In the interest of justice and keeping in view the above discussion, dissolution of marriage of the parties and statement of respondent No.2, I quash FIR No. 330/2009 registered at P.S. Mansarovar Park and all the proceedings emanating there from.

15. Criminal M.C. 1122/2012 is allowed in the above terms.

16. Dasti to both the parties.

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