

**Nasiruddin Vs. State and Another**

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**Court :** Delhi

**Decided On :** Feb-23-2012

**Judge :** Suresh Kait

**Appeal No. :** CRL.M.C. 279 of 2012

**Appellant :** Nasiruddin

**Respondent :** State and Another

**Judgement :**

**SURESH KAIT, J.**

**(Oral)**

1. Vide order dated 24.01.2012, this Court has passed the following order.

1. Learned counsels for parties jointly stated that vide FIR No.337/2005 dated 25.08.2005 a case under Section 498A/406 Indian Penal Code, 1860 was registered against petitioner at police station Sarai Rohilla, Delhi on the complaint of respondent No.2.

2. They further informed this Court petitioner and respondent No.2 have decided to live together as husband and wife, therefore, respondent No.2 is not interested in further pursuing her case against petitioner and if the aforementioned FIR is quashed, she has no objection.

3. This Court specifically inquired from the petitioner and respondent No.2 to this effect. Initially, respondent No.2 stated that no such arrangement has been made to live together. However, thereafter, she stated that they have decided to live together.

4. Petitioner No.2 has also been inquired about the same arrangement. He has also given more or less similar answer.

5. Therefore, it is not clear as to whether they have decided to live together or they have just made submissions.

6. In the circumstances, for the satisfaction, at least one month time be afforded to the parties to reunite their alliance.

7. As expressed by the petitioner and respondent No.2, they shall join their alliance as husband and wife and they have decided to go from the Court itself.

2.Ld. Counsel for the parties have jointly submitted that the petitioner and respondent no. 2 have decided to live separately as there are no chances of living together.

3. Respondent no. 2 is personally present in the court with her Counsel and she is identified by SI Ramphal, PS-Sarai Rohilla.

4. Ld. Counsel for respondent no. 2 on instruction has submitted that respondent no. 2 is happy in living separately and she does not want to stay with petitioner.

5. It is further submitted that she has settled all the issues qua the aforesaid FIR, therefore, she is no more interested to pursue the case further and if the FIR referred above is quashed, she has no objection.

6. Ld. APP on the other hand submits that charge-sheet has been filed, charges have been framed against the petitioner and the case is pending for Prosecution Evidence. He has further submitted that if this Court is inclined to quash the FIR referred above, heavy costs be imposed on the petitioner as in this process Govt. machinery has been pressed into and precious public time has been

consumed.

7. Keeping in view the order dated 24.01.2012 and the statement of respondent no. 2 who is no more interested to pursue the case further, FIR no. 337/2005 registered at PS-Sarai Rohilla is hereby quashed with emanating proceedings thereto.

8. Though, I find force in the submission of Id. APP on cost, however, keeping the financial position of the petitioner into view, I refrain in imposing costs on the petitioner.

9. Accordingly, Crl. M.C. 279/2012 is allowed.

10. Dasti.

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