
(2011) 11 DEL CK 0439
In the Delhi High Court
Case No : Criminal M.C. 3488 of 2011

Jahid Ali and Others

APPELLANT

Vs

State and Another

RESPONDENT

Date of Decision : 22-11-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 34, 406, 498A

Citation : (2011) 11 DEL CK 0439

Hon'ble Judges : Suresh Kait, J

Bench : Single Bench

Advocate : G.K. Tiwari, for the Appellant; Rajdipa Behura, APP for State along with IO/SI Naveen Rathi and P.S. Bhajanpura, for the Respondent

Final Decision : Allowed

Judgement

Suresh Kait, J.—Learned Counsel for the petitioners submits that vide FIR No.56 dated 09.02.2011, case under Sections 498A/406/34 IPC was registered at P.S. Bhajanpura, Delhi on the complaint of respondent No.2/complainant.

2. Further, he submits that the matter has been amicably settled between the parties vide settlement dated 03.05.2011.

3. Counsel further states that pursuant to the above said settlement, the marriage between petitioner No.1/husband and respondent No.2/wife has been dissolved vide Talaknama, which is placed on record.

4. Respondent No.2/complainant is present in person today. She has been duly identified by IO/SI Naveen Rathi, P.S. Bhajanpura, Delhi and her counsel.

5. Petitioner No. 1/husband/Mr. Jahid Ali is also present in person, has been duly identified by his counsel Mr. G.K. Tiwari. He has handed over a sum of Rs.50,000/- in cash to respondent No.2, who has accepted the same without protest.

6. Respondent No.2 submits that she has settled all her issues qua the

aforementioned FIR with the petitioners and does not want to pursue the case further. She has no objection if the present FIR is quashed.

7. Learned APP for State submits that Government Machinery has been used and precious time of the court has been consumed, therefore, heavy costs should be imposed upon the petitioners before quashing the FIR.

8. Though, I find force in the submissions made by learned APP for the State, but in the instant case, keeping in mind the poor financial condition of the petitioners, I refrain from imposing costs upon them.

9. In the circumstances, I quash FIR No. 56/2011, P.S. Bhajanpura, and all the proceedings emanating therefrom.

10. CrI. M.C. 3488/2011 is allowed in the above terms.

11. Dasti.