

(2011) 10 DEL CK 0175

In the Delhi High Court

Case No : Criminal M.C. No. 3056 of 2011

Mobin Khan and Others

APPELLANT

Vs

State NCT of Delhi and Another

RESPONDENT

Date of Decision : 31-10-2011

Acts Referred:

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

Citation : (2011) 10 DEL CK 0175

Hon'ble Judges : Suresh Kait, J

Bench : Single Bench

Advocate : I.A. Khan, for the Appellant; Ritu Gauba, APP for the State with S.I. Man Singh and A.S.I. Sunder Singh, PS Gulabi Bagh. Mr. Hamid Ali, for R-2 with R-2 in Person, for the Respondent

Final Decision : Allowed

Judgement

Suresh Kait, J.—Ld. counsel for the petitioner submits that vide FIR No.25 dated 03.02.2006 a case u/s 406/498-A was registered at PS Pratap Nagar/Gulabi Bagh against the petitioners on the complaint of respondent No.2. He further submits that all the issues qua the aforesaid FIR have been amicably settled with respondent No.2 and in pursuance of the settlement the marriage between the petitioner No.1 and the respondent No.2 has been dissolved.

2. Respondent No.2 Smt.Shehnaz is personally present in the Court with her counsel Mr. Hamid Ali. SI Man Singh and ASI Sunder Singh of PS Gulabi Bagh have identified her as Smt.Shehnaz D/o Shri Zakir Ali r/o 179, Padam Nagar, Kishan Ganj, Delhi.

3. Ld. counsel for the respondent No.2, on instructions from respondent No.2, states that all the issues qua the aforesaid FIR have been amicably settled and the marriage between the respondent No.2 and the petitioner No.1 has already been dissolved. Respondent No.2 states that she does not want to pursue the present case further and she has no objection if the aforesaid FIR is quashed.

4. Ld. APP for the State submits that while quashing the FIR heavy costs be imposed on the petitioner No.1 since the Government machinery has been used and the precocious time of this Court has also been consumed.

5. I find force in the submissions of the Id. APP. However, keeping in view the financial position of the petitioners, I, refrain from imposing costs on them.

6. In view of the above, FIR No. 25 dated 03.02.2006 u/s 406/498-A registered against the petitioners at PS Pratap Nagar/Gulabi Bagh and all criminal proceedings emanating therefrom are hereby quashed.

7. Accordingly, CRL.M.C. 3056/2011 is allowed.

8. Dasti.