
(2012) 02 DEL CK 0171
In the Delhi High Court
Case No : Criminal M.C. 393 of 2012

Mohd Arif and Others

APPELLANT

Vs

State and Another

RESPONDENT

Date of Decision : 03-02-2012

Acts Referred:

Dowry Prohibition Act, 1961 — Section 4
Penal Code, 1860 (IPC) — Section 34, 406, 498A

Citation : (2012) 02 DEL CK 0171

Hon'ble Judges : Suresh Kait, J

Bench : Single Bench

Advocate : S.K. Tyagi, for the Appellant; Navin Sharma, App for State along with IO/SI Ashvani Ambariya, P.S. Karawal Nagar, Delhi, for the Respondent

Judgement

Suresh Kait, J.—Notice issued. Learned APP for State accepts notice on behalf of State.

2. Respondent No. 2 is personally present in court with her brother Mohd. Tahir.

3. Learned counsel for the petitioners submits that vide FIR No. 147 dated 16.05.2011, a case under Sections 498 A/406/34 Indian Penal Code, 1860 and Section 4 of Dowry Prohibition Act was registered against the petitioners on the complaint of respondent No. 2 at P.S. Karawal Nagar, Delhi.

4. Further submits that the matter has been amicably compromised between the parties vide Compromise Deed dated 29.10.2011 in the Mediation Centre, Karkardooma courts, Delhi.

5. As per the said compromise deed, the petitioner No. 1 had agreed to pay a sum of Rs. 1 lacs to respondent No. 2. as full and final settlement. Pursuant thereto, respondent No. 2 has already received Rs. 50,000/- and the remaining Rs. 50,000/- has been handed over by petitioner No. 1 to respondent No. 2 in the court today in cash. Respondent No. 2 has accepted the same without protest.

6. Respondent No. 2, who is personally present in the court today, has been duly identified by IO/SI Ashvani Ambariya, P.S. Karawal Nagar, Delhi. She submits that consequent to settlement dated 29.10.2011, the marriage between petitioner No. 1 and respondent No. 2 has been dissolved through customary Talaknama dated 27.01.2012. She further submits that she is no more interested to pursue the case, therefore, and she has no objection, if the present FIR is quashed.

7. Learned APP submits that Charge-sheet has been filed and the matter is pending for framing of charges before the trial court.

8. Ld. APP further submits that if this court is inclined to quash the FIR in the present case, then heavy costs may be imposed upon the petitioners, as in the process, Government Machinery has been used and precious time of the court has been consumed.

9. Though I find force in the submission made by learned APP, but keeping in view the poor financial position of the petitioners, I refrain imposing costs upon them.

10. Keeping in view the above discussion, statement of respondent No. 2 into view and in the interest of justice, I quash FIR No. 147/2011 registered at P.S. Karawal Nagar, Delhi and all the proceedings emanating therefrom.

11. Criminal M.C. 393/2012 is disposed of. Dasti.