

(2012) 01 DEL CK 0400
In the Delhi High Court
Case No : Criminal M.C. 2151 of 2011

Suresh Kumar Mishra and Others

APPELLANT

Vs

State and Another

RESPONDENT

Date of Decision : 30-01-2012

Acts Referred:

Citation : (2012) 01 DEL CK 0400

Hon'ble Judges : Suresh Kait, J

Bench : Single Bench

Advocate : R.N. Jha, for the Appellant; Satish Mishra, Adv for Ms. Rajdipa Behura, APP for State and Mr. J.B. Choudhary, for R-2/complainant in person, for the Respondent

Judgement

Suresh Kait, J.—Vide order dated 08.12.2012, it is recorded as under:-

1. Vide the instant petition, petitioners are seeking to quash the FIR No. 301/2003 u/s 498A/406/34 Indian Penal Code, 1860 registered at police station Timar Pur, Delhi against them on the complaint of respondent No. 2.
2. Learned counsel for the petitioners further submits that matter has been settled before the Judge/Conciliation Courts, Delhi on 04.05.2008.
3. I note that petitioner No. 1 agreed to return gold jewellery weighing 12 Tolas to respondent No. 2/complainant and in case of failure to do so, he shall give the FDR for an amount of Rs. 1.00 Lac in lieu of the gold jewellery in the name of complainant. The said settlement is a pre-condition as mentioned above.
4. Learned counsel for the petitioners on instructions, submits that the amount of Rs. 1.00 Lac has already been given to respondent No. 2, which is not acknowledged by respondent No. 2, who is present in person in the Court.
5. At the request of learned counsel for petitioners, re-notified for 30.01.2012 and petitioner No. 1 agreed to bring the FDR in sum of Rs. 1.00 Lac in favor of respondent No. 2.

2. Today, respondent No. 2, Smt. Ekta d/o of Shri Sachidanand Upadhyay and w/o Shri Suresh Kumar Mishra, is personally present with her counsel Mr. J.B. Choudhary.

3. The petitioner has brought two FDRs of Rs. 50,000/- each bearing No. 240700DP00002111 dated 26.12.2011 & No. 240700DP00002120 dated 27.12.2011 issued by Punjab National Bank which are seen and handed over to the complainant in original. She has accepted the same without any protest.

4. Ld. Counsel for respondent No. 2, on instructions, submitted that she has settled all the issues qua the aforesaid FIR and the petitioner No. 5, husband, and respondent No. 2, complainant, are living together as husband and wife since 2008, therefore, she has prayed that the aforesaid FIR may be quashed.

5. Keeping in view the statement of the respondent No. 2/complainant and the fact that they are living as husband and wife happily, in the interest of justice, I quash the FIR No. 301/2003 registered at PS Timar Pur, Delhi and all criminal proceedings emanating there from.

6. Accordingly, Crl. MC 2151/2011 stands allowed and disposed of.

7. Crl. M.A. No. 7801/2011 is dismissed as in fruituous.