
(2012) 02 DEL CK 0096

In the Delhi High Court

Case No : Criminal M.C. No. 4220 of 2011

Ujjwal Mathur and Ors

APPELLANT

Vs

State and Anr

RESPONDENT

Date of Decision : 01-02-2012

Acts Referred:

Citation : (2012) 02 DEL CK 0096

Hon'ble Judges : Suresh Kait, J

Bench : Single Bench

Advocate : S.K. Duggal, for the Appellant; Navin Sharma, APP for State, for the Respondent

Final Decision : Allowed

Judgement

Suresh Kait, J.—Ld. Counsel for petitioner submits that vide FIR no. 150 dated 19.10.2009 case u/s 498A/406/34 Indian Penal Code, 1860 was registered against the petitioners on the complaint of respondent no. 2 at PS-CAW Cell, Nanak Pura, New Delhi.

2. Ld. Counsel further submits that matter has been settled between the parties and consequent to the said settlement the marriage between petitioner no. 1 and respondent no. 2 has been dissolved by mutual consent vide Decree of Divorce dated 23.02.2011. He further submits that respondent no. 2 is no more interested to pursue the case further.

3. Respondent no. 2 Ms. Vinti Mathur, D/o, Sh. Virendra Sahai Mathur is personally present in the court who has been identified by W/Insp. Ms. Seema Singh, IO of the case. Respondent no. 2 submits that she has settled all the issues qua the aforesaid FIR and marriage between her and petitioner no. 1 has been dissolved, therefore she is no more interested to pursue the case further and if the aforesaid FIR is quashed, she has no objection.

4. Ld. APP on the other hand submits that this case was filed way back in the year 2009. However, charge sheet has not been filed due to the fact that the

parties had compromised in between. Consequent thereto, the marriage has been dissolved by mutual consent.

5. Keeping the statement of respondent no. 2 as she is no more interested to pursue the case and dissolution of the marriage between petitioner no. 1 and respondent no. 2 into view, in the interest of justice, I quash FIR no. 150/2009 registered at CAW Cell, Nanakpura, Delhi.

6. However, I found force in the submission of Ld. APP for State as in this process Govt. machinery has been pressed into as petitioners no. 2-3 are in the business of Garment Export for last more than 20 years. The petitioner no. 1 (husband) has also joined the same business. Therefore, petitioners have means to contribute some amount for welfare purposes.

7. Therefore while quashing the FIR, I direct petitioners to deposit a sum of Rs. 25,000/- each in favour of "Welfare Fund for Children and Destitute women at Nirmal Chhaya, Jail Road, Tihar, New Delhi" within 4 weeks from today. Proof of the same shall be placed on record.

8. Superintendent, Nirmal Chhaya is further directed to keep the aforesaid amount in the form of FDR initially for a period of 2 years to be renewed periodically and interest accrued thereon shall be utilized for the well being of the needy children and destitute women of all the Homes situated at Jail Road, Tihar, New Delhi.

9. However, I refrain in imposing cost on petitioner no. 4 sister of petitioner no. 1, who is not staying in India.

10. CrI. M.C. 4220/2011 is allowed on the above terms.

11. Dasti.