

(2012) 01 DEL CK 0568
In the Delhi High Court
Case No : Criminal M.C. 265 of 2012

Umesh Kumar Verma and Others

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 23-01-2012

Acts Referred:

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

Citation : (2012) 2 AD 255

Hon'ble Judges : Suresh Kait, J

Bench : Single Bench

Advocate : Durgesh Pandey, for the Appellant; Satish Mishra, Proxy counsel for Ms. Rajdipa Behura, APP for State, for the Respondent

Judgement

Suresh Kait, J.

Crl. M.A. 937/2012 (Exemption)

Allowed subject to all just exceptions.

Crl. M.A. 936/2012 (Delay)

Delay of 30 days is condoned. Application disposed of.

CRL. M.C. 265/2012

1. Notice issued.
2. Mr. Satish Mishra, learned Proxy counsel for Ms. Rajdipa Behura, APP for State accepts notice on behalf of State/respondent.
3. Learned counsel for petitioners submits that vide FIR. 87/2004, a case under Sections 498A/406/34 Indian Penal Code, 1860 was registered against the petitioner Nos. 1 to 3 on complaint of petitioner No. 4 at P.S. Kapashera, Delhi.
4. Further submits that vide Compromise Deed dated 10.3.2010, the parties have compromised the matter for a total sum of Rs. 4 Lacs, out of which

petitioner No. 4 has already received Rs. 3 Lacs. It is submitted that the marriage between petitioner No. 1 and respondent No. 4 has already been dissolved vide decree of divorce dated 26.03.2011.

5. Petitioner No. 1 has handed over, a Cheque No. 305185 drawn on Bank of Maharashtra, Delhi dated 23.01.2012 to petitioner No. 4 in lieu of balance settled amount. The same has been accepted by petitioner No. 4 without any protest, who is personally present in the court today. She submits that she does not want to pursue the case anymore in view of the settlement arrived at between them and has no objection if the present FIR is quashed.

6. Learned APP for State submits that the Charge-sheet has been filed and the Charges have been framed and the matter is pending for recording Prosecution Evidence in the trial court.

7. Learned 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 petitioner Nos. 1 to 3 as in the process. Government Machinery has been pressed into and precious time of the court has been consumed.

8. Though, I find force in the submissions made by learned APP for State, but keeping in view the fact that petitioners belong to poor family, I refrain imposing costs upon them.

9. Keeping in view the above discussion, statement of petitioner No. 4 into view and in the interest of justice, I quash FIR No. 87/ 2004 registered at P.S. Kapashera, Delhi and all the proceedings emanating therefrom.

10. Criminal M.C. 265/2012 is disposed of.

11. Dasti