

(2011) 12 DEL CK 0032
In the Delhi High Court
Case No : Criminal M.C. 2485 of 2011

Yatish Kumar and Others

APPELLANT

Vs

State and Another

RESPONDENT

Date of Decision : 19-12-2011

Acts Referred:

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

Citation : (2012) 1 Crimes 640

Hon'ble Judges : Suresh Kait, J

Bench : Single Bench

Advocate : Sunil Kumar, for the Appellant; Navin Sharma, APP and Mr. Parveen Kumar, for R2, for the Respondent

Final Decision : Allowed

Judgement

Suresh Kait, J.—Learned counsel for the petitioner submits that the FIR No. 856/2005 was registered under Sections 498A/406/34 IPC with Police Station Rajouri Garden. He further submits that after framing the charge, the case is fixed for prosecution evidence.

2. Learned counsel for the petitioner submits that qua the aforesaid FIR, the respondent No. 2-Smt. Lalita, daughter of late Shri Prem Chand R/o. House No. 896 4 Storey houses Near Holy Child Public School, Tagore Garden Extension, Rajouri Garden has arrived at a settlement with the petitioner No. 1-Mr. Yatish Kumar, her husband, who has agreed to give custody of the twin sons and also pay a sum of Rs. 5 lacs, out of which Rs. 2.5 lacs has already been paid to respondent No. 2 at the time of first motion, which was granted on 8th June, 2011.

3. The respondent No. 2 does not deny this fact. She further submits that as per the settlement between the parties, they have agreed to get the FIR quashed and thereafter move for the second motion.

4. At this stage, learned counsel for the petitioner orally prayed and submits that

since the parties are moving towards the settlement and half of the payment has already been made to the respondent No. 2, that is Rs. 2.5 lacs and the balance having been agreed to be paid at the time of second motion, the proceedings before the Trial Court be stayed.

5. Learned counsel for the petitioner submits that vide decree of divorce dated 16.12.2011, the marriage between the petitioner No. 1 and respondent No. 2 has been dissolved by mutual consent.

6. The balance amount of Rs.1 Lacs has been handed over by petitioner No. 1 to respondent No. 2 today in the court, by way Demand Draft No. 044680 dated 18.12.2011, drawn on SBI, Shakti Nagar, Delhi. The same has been accepted by respondent No. 2 without any protest.

7. Respondent No. 2 is present in person. She has been duly identified by learned counsel for the petitioners, who was also present at the proceedings before the learned Sessions Court during Divorce Proceedings.

8. Learned counsel for respondent No. 2, on instructions, submits that respondent No. 2 has received the entire settled amount and she is no more interested to pursue the matter. She has no objection if the FIR is quashed.

9. Keeping in view the statement of respondent No. 2 and order dated 02.08.2011 into view, I quash the FIR No. 856/2005 registered at P.S. Rajouri Garden, Delhi and all the proceedings emanating therefrom.

10. Criminal M.C. 2485/2011 is allowed.

11. Dasti.