

(2012) 03 DEL CK 0470

Delhi High Court

Case No: Criminal M.C. 964 of 2012

Ajay Bagri and Others

APPELLANT

Vs

State and Another

RESPONDENT

Date of Decision: March 19, 2012

Acts Referred:

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

Hon'ble Judges: Suresh Kait, J

Bench: Single Bench

Advocate: Jiten Mehra, for the Appellant; Rajdipa Behura, APP for the State/R-1 and Mr. Yudhvir Sharma, for R-2, for the Respondent

Final Decision: Allowed

Judgement

Suresh Kait, J.

CRL. M.A. 3371/2012 (Exemption)

Exemption allowed subject to all just exceptions.

CRL. M.C. 964/2012

1. Notice issued. Ms. Rajdipa Behura, learned APP accepts notice on behalf of the State.

2. Mr. Yudhvir Sharma, Learned Counsel accepts notice on behalf of respondent No. 2/complainant.

3. With the consent of Learned Counsel for the parties, the instant petition is taken up today for final disposal.

4. Learned Counsel for petitioners submits that vide this petition he seeks quashing of FIR No. 247 dated 14.07.2006 registered at P.S. Chandni Mahal for the offences punishable under Sections 406/498A/34 Indian Penal Code, 1860 against all the

petitioners.

5. It is further submitted that vide settlement dated 13.04.2011 duly recorded by the Mediator, Mediation Centre, Tis Hazari Courts, Delhi the petitioners and respondent No. 2 have settled all the disputes qua the aforesaid FIR.

6. Further, pursuant to the said settlement dated 13.04.2011 the marriage between petitioner No. 1/accused and respondent No. 2/complainant has been dissolved by mutual consent vide decree of divorce dated 05.01.2012, therefore, respondent No. 2 is no more interested in pursuing the case and thus requests that CrI.M.C.964/2012 may be allowed.

7. In pursuance to the settlement, the petitioner No. 1 agreed to pay a sum of Rs. 10,00,000/- to respondent No. 2 towards full and final settlement. Out of the said settled amount, a sum of Rs. 6.5 lacs has already been received by respondent No. 2 and the balance amount of Rs. 3.5 lacs is being paid in the court vide Pay Order No. 006718 dated 02.02.2012 for Rs. 1,50,000/- and Pay Order No. 006824 dated 04.02.2012 for Rs. 50,000/- in favour of respondent No. 2, both the Pay orders are drawn on IDBI Bank, New Friends Colony, New Delhi and a Fixed Deposit Receipt for Rs. 1,50,000/- dated 21.01.2012 drawn on Union Bank of India, Sarita Vihar in the name of Miss Jhalak U/G Mrs. Shikha, the respondent No. 2 herein. She accepts the same without protest.

8. Learned Counsel for respondent No. 2 states that nothing is left in this case, therefore, therefore, she has no objection if the present FIR is quashed.

9. Learned APP on the other hand submits that after completion of the investigation, charge-sheet has been filed and charges also have been framed and the matter is now pending for prosecution evidence.

10. Learned APP further submits that if this Court is inclined to allow the instant petition then heavy cost be imposed on the petitioners as in the process the Government machinery has been pressed into and wasted precious time of the court.

11. Keeping in view the settlement arrived at between the parties before the Mediation Centre, Tis Hazari Courts, decree of divorce dated 05.01.2012 and statement of respondent No. 2, who is no more interested to pursue the case further and in the interest of justice I quash the FIR No. 247 of 2006 registered for the offences punishable under Sections 498A/406/34 Indian Penal Code, 1860 at Police Station Chandni Mahal and all the proceedings emanating thereof.

12. However, I find force in the submission of Id. APP on costs, therefore while allowing the instant petition, I impose a cost of Rs. 25,000/- upon petitioners to be paid in favour of "Indigent and disabled lawyers" to "Bar Council of Delhi Indigent & Disabled Lawyers Account" within two weeks from today with intimation to SHO concerned. Proof of the same shall also be placed on record. SHO concerned shall

ensure the timely deposition of costs.

13. Accordingly, Criminal M.C. 964/2012 is allowed in the above terms. Dasti.