

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C.No.2865/2008**

% **Date of Decision: 29.08.2008**

Vitthal Dass Viyas & Others Petitioners
Through Mr.Anirudh Yadav, Advocate for petitioners
along with petitioner No.1 in person.

Versus

The State (Govt. of NCT of Delhi) & Another Respondents
Through Mr.Amit Sharma. Vats, APP for the State
Ms.Anju Lal, Advocate for respondent No.2
along with Respondent No.2 in person.

CORAM:
HON'BLE MR. JUSTICE ANIL KUMAR

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| 1. | Whether reporters of Local papers may be allowed to see the judgment? | YES |
| 2. | To be referred to the reporter or not? | NO |
| 3. | Whether the judgment should be reported in the Digest? | NO |

ANIL KUMAR, J.

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Crl.M.A. No.10432/2008

Allowed, subject to just exceptions.

The application is disposed of.

Crl.M.C.No.2865/2008

Issue notice to respondents. Mr.Sharma and Ms.Lal accept notices on behalf of respondent No.1 and respondent No.2 respectively.

Petitioner No.1 and respondent No.2 are present. Learned counsel for the parties contend that the disputes between the parties have been resolved amicably. The marriage between the petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce dated 12.05.2008 by mutual consent under Section 13 B (2) of Hindu Marriage Act, 1955. Under the settlement arrived at between the parties, an amount of Rs.1.50 lakh was payable to respondent No.2 which has since been paid to her in settlement of all her claims against the petitioners. In the circumstances, learned counsel for the parties contend that no useful purpose shall be served in continuing with the proceedings pursuant to FIR No.197/2006 dated 25.04.2006 under Sections 498A/406 of Indian Penal Code registered at Police Station Pandav Nagar against the petitioners.

Let the statement of respondent No.2 be recorded.

Statement of respondent No.2 has been recorded who has been identified by her counsel. Respondent No.2 has deposed that she has settled all her claims and her marriage with the petitioner No.1 has been dissolved by a decree of divorce dated 12.05.2008 by mutual consent under Section 13 B (2) of Hindu Marriage Act, 1955. It is apparent that no useful purpose shall be served in continuing with the proceedings pursuant to FIR No.197/2006 dated 25.04.2006 under Sections 498A/406 of Indian Penal Code registered at Police Station Pandav Nagar against the petitioner. It shall also be in the interest of

justice to quash the said FIR and all the proceedings emanating therefrom, in the facts and circumstances. Learned Additional Public Prosecutor, Mr.Sharma, has also no objection to quashing of FIR No.197/2006 dated 25.04.2006 under Sections 498A/406 of Indian Penal Code registered at Police Station Pandav Nagar and all the proceedings emanating therefrom against the petitioners.

In the totality of facts and circumstances, FIR No.197/2006 dated 25.04.2006 under Sections 498A/406 of Indian Penal Code registered at Police Station Pandav Nagar and all the proceedings emanating therefrom against the petitioners are quashed.

The petition is disposed of.

Dasti.

August 29, 2008
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ANIL KUMAR, J.