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IN THE HIGH COURT OF DELHI AT NEW DELHI
CRL.M.C. 1561/2011

JITENDER MITTAL & ORS.

..... Petitioner

Through : Mr.D.S. Yadav, Adv.

versus

STATE GOVT. OF NCT OF
DELHI & ANR.

..... Respondent

Through : Ms.Rajdipa Behura, APP
for R-1 with SI Vijay Kumar, PS
Nangloi in person.

Mr.K. N. Jayasankar, Adv for R-2
with respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

ORDER

29.07.2011

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1. The FIR No.1249/2005 was registered at police station Nangloi under Section 498A/406/313/120B/34 Indian Penal Code, 1860 against petitioner No.1 Jitender Mittal, husband his relatives petitioner Nos.2 to 5 on the complaint of respondent No.2 Sapna Mittal.

2. Learned APP for State submits that the charge has been framed and prosecution evidence is going on before the trial court.

3. Learned counsel for the petitioners submit that vide the settlement deed dated 06.07.2010, the matter has already been settled between the parties and as per the settlement, petitioner No.1 promise to pay a sum of Rs.5.00 lacs in total to

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respondent No.2 in lieu of maintenance, alimony and *istridhan*. Respondent No.2 submits that as per the settlement dated 06.07.2010, she has already received the total amount of Rs.5.00 lac.

4. Further it has been submitted that a decree of divorce by mutual consent has already been granted by the court vide order dated 21.07.2011. Respondent No.2 submits that she has settled all the disputes qua the aforesaid FIR and she does not wish to pursue the present FIR against the petitioners and she has no objection, if the FIR is quashed.

5. SI Vijay Kumar, police station Nangloi is present in the Court, who has identified the respondent No.2 as Sapna Mittal. She has also identified by her learned counsel Mr.K. N. Jayasanker, Advocate. Additionally, she has produced the identity card issued by the Election Commission of India, bearing No.UBF0901934 issued in her name on 18.10.2008. Original identity card seen and returned.

6. Since the matter has been settled between the parties and decree of divorce by mutual consent has already been passed and respondent No.2 does not wish to pursue the case qua the aforementioned FIR. In the interest of justice, keeping in view the settlement dated 06.07.2010, I quash the FIR No.1249/2005 registered at police station Nangloi u/s 498A/406/313/120B/34 Indian Penal Code, 1860 against the petitioners and the proceedings arising out therefrom.

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7. Since, the Government machinery has been used and the time of the Court has been spent, the petitioner No.1 is a man of means as he is doing business of running a *Kiryana* shop, therefore, I impose a costs of Rs.20,000/- to be paid by him in favour of the Advocate Welfare Fund, Bar Council of Delhi within 07 days from today. Proof of the same shall be placed on record.

8. Petitioner No.2 and petitioner No.3 are the father and mother of petitioner No.1 respectively; and petitioner Nos.4 & 5 are the married sisters of petitioner No.1, therefore, I defer in imposing the costs upon petitioner No.2 to petitioner No.5.

10. Criminal M.C. No.1561/2011 is allowed in above terms.

11. Dasti under signature of the Court Master.


SURESH KAIT,J

JULY 29, 2011
Mk

— Disposed of matter
— Crl M.A. 11235/11
for waiver of cost

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