

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

**SUBJECT : INDIAN PENAL CODE**

Date of hearing and order: December 05, 2008

CrI. M.C. No. 842/2007

Sh. Amit Kumar Tomar and Others                      ... Petitioners  
Through: Petitioner No. 1 in person

versus

State and Ors.    ... Respondents  
Through: Respondent No. 1 in person with her father Mr. Om Prakash.  
Mr. R.N. Vats, Additional Public Prosecutor for State with SI Ranvir Singh.

SUNIL GAUR, J. (Oral)

1. Quashing of FIR No. 309/2002 under Section 406/498A/34 of the IPC registered at P.S. Rohini, Delhi, is sought on the ground that the petitioner-husband and respondent No. 2-wife have obtained a divorce by mutual consent and a certified copy of the Divorce proceedings is on record as Annexure 'D' at page 52 of the paper book. It is evident from the aforesaid certified copy at page 60 of the paper book that respondent-wife had undertaken to have filed a joint petition for getting the FIR in question quashed. Respondent No. 2-wife is present in person and she has been duly identified by the Investigating Officer of this case. She has stated before this Court that now she has re-married and she has no objection to quashing of the FIR in question.

2. In case of B.S. Joshi v. State of Haryana, AIR 2003 SC 1386, the Apex Court has declared that in matrimonial offences, it becomes the duty of the court to encourage genuine settlements of matrimonial disputes.

3. Considering the fact that the matrimonial dispute between the parties, stands settled mutually and amicably and with free will of both the sides, I see no point in continuing with the proceedings arising out of the FIR in question. Consequently, FIR No. 309/2002 under Section 406/498A/34 of the IPC registered at P.S. Rohini, Delhi and proceedings emanating therefrom stand quashed.

4. The petition as well as pending applications, if any, stand disposed of.

Sd/-  
Sunil Gaur, J.