

IN THE HIGH COURT OF DELHI AT NEW DELHI

SUBJECT : INDIAN PENAL CODE

Date of hearing and order: December 05, 2008

Crl. M.C. No. 959/2007

Sh. Anil Katyal and Others . Petitioners
Through: Mr. M.R. Shamshad, Adv.

versus

State and Anr. Respondents
Through: Mr. R.N. Vats, Additional Public Prosecutor for State with SI
Prem Singh, P.S. Moti Nagar, Delhi.

SUNIL GAUR, J. (Oral)

1. Quashing of FIR No. 29/2001 under Section 406/498A/34 of the IPC, registered at P.S. Moti Nagar, Delhi, is sought in this petition on the ground that the matrimonial dispute between the petitioners and respondent No. 2 stands mutually, amicably and voluntarily settled.

2. Notice of this petition was issued to the respondents with direction to verify the affidavit of the respondent No. 2 and to produce her in the Court. Today respondent No. 2 is present in the Court and she has been identified by SI Prem Singh, Investigating Officer of this case and a verification report has also been placed on record regarding the affidavit of the respondent No. 2 wherein she has clearly stated that she has no objection to the quashing of the FIR in question as no dispute between the parties survives. There is certified copy of the judgment of the Matrimonial Court which indicates that the petitioner-husband and the respondent-wife have obtained Divorce by mutual consent.

3. 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.

4. Keeping in view the fact that the matrimonial dispute between the parties stands amicably and finally resolved, no fruitful purpose would be served by continuing with the proceedings arising out of the FIR in question. As a consequence, FIR No. 29/2001 under Section 406/498A/34 of the IPC, registered at P.S. Moti Nagar, Delhi, and proceedings arising therefrom stand quashed.

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

Sd/-
Sunil Gaur, J.