

IN THE HIGH COURT OF DELHI AT NEW DELHI

SUBJECT : INDIAN PENAL CODE

Date of hearing and order: December 02, 2008

CrI. M.C. No. 3388/2008

Deepak Kumar Garg and Ors. ... Petitioners
Through: Mr. Virender Sharma Gaur with Mr. Pravesh Thakur, Advocate for
the Petitioner with Petitioner in person.

versus

The State and Anr Respondents
Through: Mr. R.N. Vats, Additional Public Prosecutor for State with ASI
Chander Prakash, Investigating Officer, Police Station Pandav Nagar, Delhi.
Mr. Rajat Pahwa, for the respondent No. 2 with respondent No. 2 in person.
CORAM:

SUNIL GAUR, J. (Oral)

1. Quashing of the FIR No.13/2007 under Section 498-A/406/34 of the Indian Penal Code registered at Police Station Pandav Nagar, New Delhi, is sought on the ground that the matrimonial dispute between the parties now stands mutually and amicably settled and the divorce by mutual consent has already been obtained.

2. In terms of the last order, certified copy of the statement made by respondent No. 2 before the matrimonial court has been placed on record and there is a reference of the present proceedings in the said statement and respondent No. 2 states that she has already received a sum of Rs. One lakh and today she has received Rs.75,000/- (Rupees seventy five thousand) in cash in terms of the settlement arrived at, as reflected in her statement. She states that she is working as Marketing representative in Target Sourcing Services. Certified copy of the order of the matrimonial court granting

divorce by mutual consent is also on record. Status report has been placed on record today and the Investigating Officer of this case has identified the respondent No. 2 as the Complainant/first informant of this case.

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. Petitioner “ husband as well as respondent No. 2 “ wife stated before this court that the matrimonial dispute between them stand mutually, amicably and finally resolved. Respondent No. 2 states that now she has no objection to quashing of the FIR in question.

5. Considering the fact that the material dispute between the parties has been settled in an amicable manner, I see no useful purpose in continuing with the proceedings arising out of FIR in question. As a consequence thereof, FIR No. 13/2007 under Section 498-A/406/34 of the Indian Penal Code registered at Police Station Pandav Nagar, New Delhi, and all the proceedings emanating therefrom are hereby quashed.

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

Sd/-
Sunil Gaur, J.