

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

**SUBJECT : CODE OF CRIMINAL PRODEDURE**

Date of Decision: 1st December, 2008

CRL.M.C. No. 3443/2008

DR. VIPIN JAIN and ORS. ....

Through: Petitioners  
Mr. P.L. Modi, Advocate.  
Petitioners in person.

Versus

STATE AND ANR. ....

Through: Respondents  
Mrs. S. Kohli, Addl. Standing  
Counsel for State.  
Mr. B.L. Chawla, Advocate for  
respondent no. 2.  
Respondent No.2 in person.  
I.O. ASI Jai Singh, P.S. Paschim  
Vihar.

Veena Birbal, J. (ORAL)

Present is a petition under Section 482 Cr.P.C. for quashing of FIR No. 666/2007, under Sections 498-A/406/34 IPC registered at P.S. Paschim Vihar against the petitioners. It is stated that marriage between petitioner No.1 and respondent No.2 was solemnized on 25.2.2001 according to Hindu rites and customs at Faridkot, Punjab. After marriage, they lived together as husband and wife. One child, namely, Tanav Jain was born from their wedlock on 12.6.2003. Subsequently, they had disputes and differences as a result of which they could not live together and w.e.f. 19.1.2007 they are living separately. Thereafter, respondent No.2 filed a suit for Declaration and Injunction against petitioner no. 1 in the court of Civil Judge, Delhi. She also filed a petition under Section 125 Cr.P.C. for claiming maintenance for minor child. She also filed a complaint against petitioners on the basis of which aforesaid FIR was registered against the petitioners. During the pendency of civil suit between them, the matter was referred to the Mediation Centre, Tis Hazari Court, Delhi where the parties amicably settled all their disputes and differences including pending cases. Terms of settlement dated 28.3.2008 arrived at between them is annexed as annexure A to this petition. It is stated that the terms of compromise between them have been complied with and now parties have no claim against each other of any nature. Parties have already taken divorce by way of mutual consent vide decree of divorce dated 5.8.2008 passed by the court of Sh. Gulshan Kumar, Ld. ADJ, Delhi. It is, therefore, prayed that aforesaid FIR may be quashed. Respondent No.2 is present with her counsel, Mr. B.L. Chawla. I.O. is also present who has identified

her. Her affidavit is also on record wherein she has not opposed the prayer made in the petition. I have also made enquiries from her and she has confirmed the above position and has stated that she has no objection for quashing of FIR. Considering the totality, no useful purpose will be served in keeping the aforesaid FIR alive. I, therefore, quash FIR No. 666/2007, under Sections 498- A/406/34 IPC registered at P.S. Paschim Vihar, subject to deposit of costs of Rs. 10,000/- by the petitioners within four weeks from today with Delhi High Court Mediation and Conciliation Centre. Petition stands disposed of.

Sd./-  
VEENA BIRBAL, J.

DECEMBER 01, 2008