

IN THE HIGH COURT OF DELHI AT NEW DELHI

SUBJECT : INDIAN PENAL CODE

Date of hearing and order: December 01, 2008

Crl. M.C. No. 3392/2008

Sh. Vivek Gupta and Ors. ...

Through: Petitioners
Mr. F.K. Jha, Advocate for the
Petitioner

versus

Govt. of NCT and Anr. ...

Through: Respondents
Mr. Amit Sharma, Additional Public
Prosecutor for State
Mr. A.K. Jha, for the respondent No.
2 with respondent No. 2 in person.

SUNIL GAUR, J. (Oral)

1. In this petition quashing of FIR No.167/2007 under Section 406/498-A of Indian Penal Code, registered at Police Station New Friends Colony, New Delhi, is sought on the ground that the matrimonial dispute between the Petitioner- husband and the Respondent-wife stands amicably and finally resolved. Certified copy of the decree of divorce by mutual consent has been placed on record. Alongwith it, certified copy of joint statement made by Petitioner-husband and Respondent-wife before the matrimonial court is also placed on record.

2. As is evident from the aforesaid joint statement made before the matrimonial court in terms of the compromise arrived at between the parties, an FDR of Rs.5 lakhs is already handed over to respondent No. 2/Complainant/first informant, who is permitted to encash the same only in the event of this FIR being quashed by this court. Respondent No. 2 confirms that she has got an FDR of Rs.5 lakhs and divorce has already been obtained and no dispute with the Petitioners survive and she has no objection to quashing of the FIR in question.

3. Today the passport of respondent No. 2 has been handed over by the Petitioner-husband to Respondent-wife who has accepted the same. It is stated by both the sides that in terms of compromise arrived at between the parties, the articles lying with the Investigating Officer of this case would be taken back by the Petitioners. Respondent No.

2 agrees to this. Let the Investigating Officer of this case return the articles so deposited by the Petitioners, as per record.

4. 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.

5. Considering the fact that the material dispute between the parties has been settled in an amicable manner, no useful purpose would be served by continuing the proceedings arising out of FIR in question. As a consequence thereof, FIR No. 167/2007 under Section 406/498-A of Indian Penal Code, registered at Police Station New Friends Colony, New Delhi, and all the proceedings emanating therefrom are hereby quashed.

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

Sd./-
SUNIL GAUR, J.

December 01, 2008