

IN THE HIGH COURT OF DELHI AT NEW DELHI

01.08.2008

**Present: Mr. Sunil Gupta for the petitioners.
Ms. Fizani Hussain, APP for the State.**

CrI.M.C. No.2522/2007

IO Santosh Kumar is present. He states that he has visited house bearing No. H-47, Gharwali Mohalla, Laxmi Nagar, Delhi where the complainant is stated to have been residing. He states that at the same address sister of the complainant/Anita Gupta was residing, but she had already expired. He further states that he met the brother-in-law of the said complainant Mr. Shiv Kumar Bindal and came to know that after the disputes and differences had arisen between the complainant and her husband she stayed with them for some time, but she had left the said address three, four years back and thereafter the brother-in-law of the complainant was not aware of her whereabouts. The IO had taken statements of complainant's brother-in-law as well as the son of the complainant's sister Mr. Gaurav Kumar. Statements made by Mr. Shiv Kumar Bindal and Mr. Gaurav Kumar are taken on record.

By way of this petition the petitioners seek quashing of FIR No. 466/2003 registered under Sections 498-A/406/34 IPC with P.S. Shakar Pur, Delhi. Counsel appearing for the petitioners contends that inter se disputes between the parties have been settled. The marriage between the parties has already been dissolved by grant of divorce by mutual consent by the Court of Shri R.C. Bansal, District Judge, Bhiwani. It is further submitted that respondent No.2 was paid an amount of Rs. 40,000/- towards all her material claims. Counsel for the petitioners has drawn my attention to the order dated 26th July, 2004 passed by the learned Court of District Judge, Bhiwani. Perusal of the said order shows that the complainant/respondent No. 2 had agreed for quashing of the present FIR. It was also agreed by the said respondent that she will file necessary affidavit and will give necessary statement so as to give effect to the compromise arrived at between the parties.

I have heard learned counsel for the parties.

All the inter se disputes between the parties have already been settled.

The marriage in question no more survives as the marriage between the parties

has already been dissolved by grant of divorce by mutual consent by the Court of Shri R.C. Bansal, District Judge, Bhiwani. The complainant/respondent No.2 has been deliberately evading her appearance before this Court although she had agreed to render all cooperation and assistance for the quashing of the present FIR 466/2003 registered under Sections 498-A/406/34 IPC with P.S. Shakar Pur, Delhi. Directions were given to the IO to ascertain the exact whereabouts of the complainant, but he also did not succeed as the brother-in-law of the complainant Mr. Shiv Kumar Bindal showed his helplessness in providing the address of the complainant. No further efforts in this direction to call for the presence of the complainant can be made as the same would be sheer wastage of time.

In view of the above position, I am of the view that no useful purpose will be served by unnecessarily keeping the said FIR alive against the petitioners. Consequently FIR No. 466/2003 registered under Sections 498-A/406/34 IPC with P.S. Shakar Pur, Delhi and the proceedings arising therefrom are hereby quashed and the petition is allowed.

August 01, 2008 KAILASH GAMBHIR, J
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