

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Peti ti o n ( s ) for Speci al Leav e to Appe al (Crl ) No( s ) . 1 6 5 8- 16 6 1/ 2 0 0 8

(F r o m the judge m e n t and order dated 28/1 1/2 0 0 7 in CRL W P No. 24 9 2/ 2 0 0 6 & CRL W P No. 24 9 3/ 2 0 0 6 & CRL W P No. 24 9 4/ 2 0 0 6 & CRL W P No. 24 9 5/ 2 0 0 6 of The HIGH COU R T OF DE L HI AT N. DELHI )

NA N D KI S H O R E & O R S.

Petitio ne r ( s )

VER S U S

ST A T E OF NC T OF DE LHI & O R S.

Respo n d e n t ( s )

(Wit h appl n ( s ) for stay and office repor t )

Date: 06/0 7/2 0 0 9 These Peti ti o n s we r e called on for heari n g toda y.

COR AM :

HON'BL E MR. J U S T I C E MAR K A N D E Y K A T J U  
HON'BL E MR. J U S T I C E A S O K KUM A R GA N G U L Y

For Peti ti o ne r ( s )

Mr. S.C. Gup t a, Adv.  
Mr. Alo k Sing h, Adv.  
Mr. Gau r a v Gotia, Adv.  
Mr. Ari b a m Gune s h w a r Sh a r m a , A d v .

For Respo n d e n t ( s )

Mr. Nar e s h Ka u s h i k , Adv.  
Mr. Rupe s h Kau s h i k , A d v .  
Mr. D.S. Mahra, A d v .  
  
Mr. Sanj a y Ka t y a l, Adv.,  
Mr. Kul di p Sing h, Adv.  
Mr. R.K. Pande y, adv.  
Mr. T.P.Mis h r a , Adv.

UPO N heari n g counsel the Cour t made the follo w i n g  
O R D E R

Heard learn ed coun sel for the partie s.  
Leav e gran t e d.

FIR No. 22 8/2 0 0 6 regist e r e d under Sectio n 49 8- A/40 6/3

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IPC at P.S. Model To w n , Delhi is directed to be quas h e d and the  
appeal s are allo w e d in ter m s of the signed order.

(Aj a y Kr. J ai n )

(Ind u S

atij a )

Cou r t Maste r

Cou r t Maste r

(Sig n e d order is placed on the file)

IN THE SU P R E M E COU R T OF INDI A

CRIMI N A L AP P E L L A T E J U R I S D I C T I O N

CRIMI N A L AP P E A L NO S. 11 4 8- 11 5 1 OF 20 0 9  
(A r i s i n g out of SL P ( C r l . ) N o s . 165 8- 16 6 1 of 200 8 )

Na n d Kis h o r e & Ors.

... Appell a n t s

Ver s u s

Sta te of NC T of Delhi & Ors.

... Respo n d e n t

s

O R D E R

We are informed by learned counsel for the parties that the a decree of divorce by mutual consent under Section 13- B( 2 ) of the Hindu Marriage Act has been granted and now the parties are living separately.

Heard learned counsel for the parties.

Leave granted.

Having regard to the facts and circumstances of the case and the fact that the parties have obtained divorce by mutual consent and living separately, we think no useful purpose will be served in continuing with the criminal proceedings against the appellants and it will be in the interest of justice if the F.I.R. registered against the appellants is quashed. Accordingly, we direct quashing of FIR No. 228/2006 registered under Section 498- A/406/34 IPC at P.S. Model Town, Delhi. The appeals are allowed accordingly.

..... J.

(M A R K A N D E Y K A T J U )

..... J.

(A S O K K U M A R G A N G U L Y )

New Delhi  
July 06, 2009