

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 168 OF 2012
(@ SPECIAL LEAVE PETITION(CRL.)NO.804 OF 2011)

RAJIV SAXENA & ORS.

... APPELLANTS

VERSUS

STATE (NCT OF DELHI) & ANR.

... RESPONDENTS

O R D E R

1. Leave granted.
2. This appeal is directed against the judgment and order passed by the High Court of Delhi in Criminal Misc.C.No.3420 of 2010 dated 1.11.2010.
3. The learned Magistrate has taken cognizance of the offences pleaded in the F.I.R. under Sections 498A, 496 read with Section 34 of the Indian Penal Code. Aggrieved by the same, the appellant had approached the High Court by filing the Criminal Misc.C.No.3420 of 2010 and in that he had stated that parties have settled the matter and, therefore, the proceedings before the learned Magistrate need not be continued and the same requires to be quashed. The High Court, in the impugned judgment has observed that since the respondent-wife, is not appearing before the High Court, the request of the appellant cannot be granted.
4. This Court, while entertaining the Special Leave Petition had issued notices to the respondents. Respondent-wife has entered appearance through her learned counsel. She has also filed the counter affidavit. In that she states that the request of the appellant may be granted.
5. The respondent-wife is also present before the Court. She is agreeable for the request made by her husband.

6. In view of the above, the request of the appellant is granted and the proceedings before the learned Magistrate in Case No.31 of 2008 dated 16.6.2008, District South West, P.S.CAW Nanakpura, New Delhi are quashed. Appeal is disposed of accordingly.
Ordered accordingly.

.....J.
(H.L. DATTU)

.....J.
(SWATANTER KUMAR)

NEW DELHI;
JANUARY 16, 2012

