

**IN THE SUPREME COURT OF INDIA
CRIMINL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.228 OF 2009
[Arising out of SLP(Crl.)No.5961 of 2007]

ARJUN BAHREE & ORS.

... Appellant(s)

Versus

STATE OF NCT,DELHI

... Respondent(s)

ORDER

Leave granted.

This appeal is directed against the judgment and order dated 20th August, 2007 passed by the Delhi High Court, rejecting the Criminal (Misc.)Main No.2574 of 2007, wherein a prayer had been made for quashing all proceedings in connection with FIR No.139/2005 under Sections 498A/406/34 IPC and Sections 3 and 4 of the Dowry Prohibition Act of PS Dilshad Garden, Delhi, pending before the concerned court of Metropolitan Magistrate, Karkardooma Court, Shahdara, Delhi.

In a pending application under Section 13B(1) of the Hindu Marriage Act, 1955 filed by the appellant No.1, who is the husband and the appellant No.4, who is the wife, an order had been passed on 07/08/2007, wherein the terms of settlement had been recorded. One of the terms was that the appellant No. 4 would cooperate with the appellant No.1 in

-2-

getting the above-mentioned FIR quashed from the Delhi High Court. It is pursuant

to the said condition that the application had been filed before the High Court for quashing of the said proceedings. By the impugned order of the High Court, the said prayer was rejected on the ground that marriage had not yet been dissolved. It has been pointed out on behalf of the appellants that the quashing of the said FIR and the proceedings thereunder was a condition precedent for allowing the application for grant of mutual divorce and if the same was disallowed, the other proceeding could not be taken up.

The husband and the wife are both present before us in Court and both of them are agreeable to the said proceedings being quashed. Even the State has no objection in the matter.

Having regard to the above, we allow the appeal, and set aside the order of the Delhi High Court, and quash the First Information Report No.139 of 2005, under Section 498A/406/34 IPC. and Sections 3 and 4 of the Dowry Prohibition Act of PS Dilshad Garden, Delhi, and all proceedings taken in respect thereof.

This order is being passed subject to the appellant No.1 cooperating with the appellant No.4 in the pending proceedings under Section 13(B)(1) of the Hindu Marriage Act.

-3-

The parties are directed to seek an early date before the concerned court, and, in the event, any objection is taken with regard to the passing of the final order in the said proceedings by the appellant No.1, this order shall stand recalled.

.....J.

(ALTAMAS KABIR)

.....J.
(CYRIAC JOSEPH)

New Delhi,
February 06, 2009.

