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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 2217/2010

MOHD. KALIM AHMAD Petitioner
Through: Mr. Sabarish Subramaniam,
Advocate with petitioner in person.

versus

STATE & ANR Respondents
Through: Mr. M.N. Dudgeja, APP for the State
Mr. Rakesh Bhugra, Advocate with respondent
No.2 in person.

+ CRL.M.C. 2582/2010

SAMINA ARSHI Petitioner
Through: Mr. Rakesh Bhugra, Advocate with
petitioner in person.

versus

STATE & ANR Respondents
Through: Mr. M.N. Dudgeja, APP for the State
Mr. Sabarish Subramaniam, Advocate with
respondent No.2 in person.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

O R D E R
26.11.2010

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1. Crl.M.C.2217/2010 is filed by the petitioner/husband under
Section 482 of the Cr.PC praying *inter alia* for quashing of the
complaint case No.184/2009 filed by respondent No.2/wife against the
petitioner/husband in the Court of ACMM-I, Dwarka under Section 200

CRL.M.C.2217/2010 & CRL.M.C. 2582/2010

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of the Cr.P.C. The petitioner/husband has also sought quashing of FIR No.188/2009 lodged by respondent No.2/wife against him under Sections 498A/323/506 IPC, registered with Police Station: Dwarka, New Delhi.

2. Similarly, CrI.M.C. 2582/2010 is filed by the petitioner/wife under Section 482 of the Cr.PC praying *inter alia* for setting aside the order dated 09.06.2010 passed by the learned ASJ, Dwarka Courts, New Delhi, in Criminal Revision No.05/2010, by which the revision petition filed by respondent No.2/husband seeking quashing of the order dated 10.12.2009 passed by the learned MM on an application filed by the petitioner/wife under Section 12 of the Protection of Women from Domestic Violence Act, 2005, was allowed.

3. Pursuant to the parties appearing before the Delhi High Court Mediation and Conciliation Centre, a Settlement Agreement dated 28.10.2010 has been placed on the record. The Settlement Agreement records that neither of the parties shall make any claim against each other and that the wife shall withdraw the cases filed by her against respondent No.2/husband as mentioned in para 7 of the Settlement Agreement. Similarly, the husband has also agreed to withdraw the petition for restitution of conjugal rights filed by him against wife. It is further stated that '*Khula*' has been asked for by the

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wife and has been given by their respondent No.2/husband. Both the parties have thus agreed to sever the relationship with each other.

4. Both the parties are present in Court. They confirm that they have arrived at a settlement of their own free will and volition and without any undue influence or coercion from any quarters and that have signed the Settlement Agreement at page 5.

5. Learned APP for the State submits that the matter is at the stage of investigation. However, in view of the settlement arrived at between the parties, he has no objection to the prayer made in the present petition being allowed.

6. In this view of the matter, the present petitions are allowed. Complaint case No.184/2009 filed by respondent No.2/wife against the petitioner/husband in the Court of ACMM-I, Dwarka as also FIR No.188/2009 lodged by respondent No.2/wife with Police Station: Dwarka, New Delhi and all proceedings arising therefrom are quashed. Similarly, the impugned order dated 09.06.2010 passed by the learned ASJ, Dwarka Courts, New Delhi, in Criminal Revision No.05/2010 is also set aside.

7. The petitions are disposed of. Files be consigned to the record room.



HIMA KOHLI,J

NOVEMBER 26, 2010/rkb
CRL.M.C. 2217/2010 & CRL.M.C. 2582/2010