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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 2672/2010

SIRAJUDDIN SAFI & ORS Petitioners

Through : Mr. S. Chakraborty with
Mr. Manbir Singh, Advts. with
petitioners in person.

versus

STATE & ANR. Respondents

Through : Mrs. S. Kohli, APP for State
Respondent No.2/complainant in person.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

O R D E R

% 20.09.2010

1. The present petition is filed by the petitioners under Section 482 Cr.P.C. praying *inter alia* for quashing of FIR No.204/2009 lodged by the complainant, against her husband, petitioner No.1, and his family members, petitioners No.2 to 4, under Sections 498A/406/34 IPC registered with PS Jamia Nagar, District South East, Delhi and all proceedings arising out therefrom.

2. Counsel for the petitioners states that the marriage of the petitioner No.1 and the complainant was solemnized on 30.12.2001 according to Muslim rites and customs at Delhi and there is one male child born from out of the wedlock. It is stated that due to certain

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disputes and temperamental differences which arose between the petitioner No.1 and the complainant, the latter lodged the aforesaid FIR on 13.8.2009 against the petitioners. 3

3. Now, it is stated that due to the intervention of well wishers and family friends of the parties, they have arrived at an amicable settlement as reduced into writing in Memorandum of Understanding (MOU) dated 7.5.2010 (Annexure P-2 Colly). It is stated in the MOU that the respondent No.2/complainant has agreed to receive a sum of ₹.1,10,000/- from the petitioners in full and final settlement of all her claims against them.

4. Respondent No.2/complainant is present in Court and duly identified by the Investigating Officer. She confirms the fact that the aforesaid MOU has been signed by her of her own free will and volition and that she has no objection to the FIR lodged by her, being quashed in view of the settlement arrived at between her and the petitioners. However, both the parties agree that as far as financial assistance to the minor child is concerned, the same is not a subject matter of the compromise and the respondent No.2/complainant shall be entitled to seek her remedies against the petitioner No.1, if any, in accordance with law.

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

6. This Court has heard the counsels for the parties and perused the record and has also considered the submissions made by the parties. In view of the fact that the parties have arrived at a settlement of their own free will and volition and without any undue influence or coercion from any quarters, no useful purpose will be served by proceeding further with the aforesaid FIR and the proceedings arising out therefrom.

7. Accordingly, the prayer made in the petition is allowed. FIR No.204/2009 lodged by the respondent No.2/complainant with Police Station: Jamia Nagar, and all the proceedings arising therefrom stand quashed.

8. The petition is disposed of. File be consigned to the record room.



HIMA KOHLI,J

SEPTEMBER 20, 2010
sk/rkb