

18.

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 3447/2010

MOHD HANIF @ MEHFUJ & ORS

..... Petitioners

Through: Mr. Nagender Singh Tomar, Advocate
with petitioner No.1 in person.

Mr. S.K. Sharma, Advocate with petitioner
No.2 in person.

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Navin Sharma, APP for the State.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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02.11.2010

1. The present petition is filed by the petitioners under Section 482 of the Cr.PC praying *inter alia* for quashing of FIR No.644/2005 lodged by petitioner No.2/complainant against her husband, petitioner No.1 and the members of his family, petitioners No. 3 to 11 under Section 498A/406/506/34 IPC, registered with Police Station: Rohini, New Delhi.

2. Counsel for the petitioners states that the marriage of petitioner No.1 and petitioner No.2/complainant was solemnized as per Muslim rites at Delhi on 27.09.2004. Within a year of the marriage, disputes and differences arose between the parties and in the year 2005, they started living separately. There is no issue from out of the

CRL.M.C. 3447/2010

Page No.1 of 3

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wedlock. On 06.05.2005, the aforesaid FIR was lodged by petitioner No.2/complainant against her husband, petitioner No.1 and the members of his family, petitioners No.3 to 11. Counsel for the petitioners further states that in the year 2005 itself, the marriage was dissolved under the Muslim law. Thereafter, during the pendency of the proceedings initiated by petitioner No.2/complainant against petitioner No.1 under Section 125 of the Cr.PC, with the assistance of the Family Court, Rohini, New Delhi, the parties arrived at a settlement, as recorded in the Settlement Order dated 27.07.2010. In terms of the settlement, petitioner No.1 agreed to pay a sum of ₹3,80,000/- to petitioner No.2/complainant in full and final settlement of all her claims against the petitioners. It is stated that out of the aforesaid amount, a FDR for a sum of ₹2 lacs was handed over to petitioner No.2/complainant, a sum of ₹70,000/- was given in cash and a cheque of ₹30,000/- was given to the petitioner No.2/complainant. The remaining sum of ₹80,000/- is handed over to the petitioner/complainant in Court today.

3. Counsel for petitioner No.2/complainant states on instructions from his client that in view of the fact that the parties have resolved all their *inter se* dispute, she has no objection to the aforesaid FIR being quashed. He further states that as cash of

₹80,000/- has been handed over in Court today, the post dated cheque of ₹80,000/- handed over by petitioner No.1 to petitioner No.2/complainant earlier, is being returned to petitioner No.1 through counsel. 3

4. Learned APP for the State submits that after completion of the investigations, charge-sheet has been filed. He, however, states that in view of the settlement arrived at between the parties, he has no objection to the prayer made in the present petition being allowed.

5. This Court has heard counsels for the parties. In view of the submission made by petitioner No.2/complainant and 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 therefrom.

6. Accordingly, the prayer made in the petition is allowed. FIR No.644/2005, lodged by petitioner No.2/complainant with Police Station: Rohini, New Delhi, and all proceedings arising therefrom stand quashed.

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


HIMA KOHLI, J

NOVEMBER 02, 2010/rkb
CRL.M.C. 3447/2010

Page No.3 of 3