

\$~18

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 297/2011

MOHD AYYUB & ANR

..... Petitioners

Through : Mr. Parvesh Chaudhary, Adv. along
with petitioner No.1 in person.

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through : Ms. Jasbir Kaur, APP for the State.
Mr. Shrikant Tyagi & Mr. Amit
Kumar Tyagi, Adv. for respondent
No.2 along with respondent No.2 and
her brother in person.

CORAM:

HON'BLE MR. JUSTICE M.L. MEHTA

ORDER

% 23.11.2011

The petitioner is present in person with his counsel. Respondent No.2, Zubina and her brother, Mohd. Sabir are also present with their counsel.

This is a petition for quashing of FIR No.934/1998 under Sections 498A/406/34 IPC registered at P.S. Bhajanpura. The petitioner No.1 and respondent No.2 were married. In the proceedings in Crl. Revision No.47/2008, they both compromised the matter before the ASJ and gave their statements. As per settlement, a sum of Rs.2,37,500/- was to be paid by the petitioner, Mohd. Ayyub to respondent No.2, Zubina as towards the full and

Signature Not Verified

Signing Date: 23.08.2024 17:09:51
Certify that the digital and physical file have
been compared and the digital data is as per
the physical file and no page is missing.

5

final settlement. This was so stated by both the petitioner No.1 and also by respondent No.2 in their statements. The receipt of the said amount of Rs.2,37,500/- is admitted by respondent No.2 today in the Court also. She, however, states that this was not the full and final settlement, but was only towards maintenance. I have gone through the statements as made by respondent No.2 and petitioner No.1 before the ASJ and also the order passed by him on 16th March, 2009. That would clearly demonstrate that Rs.2,37,500/- was the settled amount towards full and final amount of claims. The said amount was payable in instalments and admittedly has been received by the respondent No.2. Respondent No.2, Zubina has also undertaken before the court of ASJ that she would do all that is required for quashing of FIR No.934/1998 under Sections 498A/406/34 IPC registered at P.S. Bhajanpura and also the case pending before the M.M., P.S. Bhajanpura. She had specifically stated in her statement that the said amount settles all her claims of every nature including past, present and future against the petitioner No.1 herein and his family members and no dispute of any nature shall remain pending between them. Today, the stand which is sought to be taken by Zubina is only her attempt to extract some more money from petitioner No.1 and to blackmail. She was trying to wriggle out of the statement made before the ASJ on one or the other ground taking of lame excuses. Now since the matter has already been settled and the amount has admittedly been paid and they have got divorce, no useful purpose will be served in continuing FIR

6

No.934/1998. Hence, FIR No.934/1998 under Sections498A/406/34 IPC registered at P.S. Bhajanpura and all proceedings emanating therefrom are hereby quashed. Bail bonds be discharged.

The petition stands disposed of.


M.L. MEHTA,J

NOVEMBER 23, 2011
skw