

45# \$~

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1400/2011 & Crl. M.A. No. 12089/2011 (Direction)**

SALMAN AHMAD & ANR

..... Petitioners

Through: Mr. Alamgir and Mr. Hafiz,
Advocates with Petitioners in person.

versus

STATE & ORS

..... Respondents

Through: Mr. Amit Singh Rathore, Advocate
for Mr. Saleem Ahmed, Additional
Standing Counsel with SI Mohit, PS
Nabi Karim.
Mr. Chetan Lokur, Advocate for
Respondent No. 5 with Respondent
No. 5 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

23.11.2011

%

By this petition the Petitioners who are the husband and wife seek quashing of FIR No. 150/2011 under Section 363 IPC registered at PS Nabi Karim, Delhi on the complaint of Respondent No. 5, the mother of the Petitioner No. 2.

The Petitioners who are present in Court state that the Petitioner No.2 had reached the age the puberty thus under the Muslim Personal Law the Petitioner No. 2 is eligible to contract a marriage. On a proper marriage being performed the Petitioner No. 1 is her lawful guardian hence no

W.P.(CRL) 1400/2011

Page 1 of 2

case under Section 363 IPC is made out. Further Respondent No. 5/Complainant, the mother of Petitioner No. 2 is present, who is identified by her counsel. She states that since the Petitioner No. 2 has performed a nikah of her own free will with the Petitioner No. 1 as per the Muslim Personal Law she has no objection thereto and she does not want to pursue the abovementioned FIR and the proceedings pursuant thereto.

In view of the fact that the parties have lawfully contracted the marriage, the Petitioner No. 1 is the lawful guardian of Petitioner No. 2 and the Respondent No. 5 has no objection to the abovementioned FIR being quashed, no useful purpose will be served in continuance of the proceedings, rather the same would create further acrimony between them. Thus it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

Consequently, FIR No. 150/2011 under Section 363 IPC registered at PS Nabi Karim, Delhi and proceedings pursuant thereto are hereby quashed.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

The petition and the pending application are disposed of. Order dasti.

Mukta Gupta
MUKTA GUPTA, J.

NOVEMBER 23, 2011/'vn'
W.P.(CRL) 1400/2011

Page 2 of 2

Salman Ahmed

*I identify
signature/shrub
impression of Respondent*



Nisha

*I identified the signature
of Petitioner Alauddin
Adv*

EN. D1928194

*No. 5
D/1656/2009
23.11.11*

RTI of

Ms Sharmima Kheloo