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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 3672/2011

% Judgment delivered on: 9th November, 2011

MOHD ASIM & ORS Petitioner

Through : Mr. M.L. Yadav, Adv.

versus

STATE & ANR Respondent

Through : Ms. Rajdipa Behura, APP.
Mr. Shoaib Shakeel, Adv. for
R2/complainant.

**CORAM:
HON'BLE MR. JUSTICE SURESH KAIT**

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| 1. Whether the Reporters of local papers
may be allowed to see the judgment? | NO |
| 2. To be referred to Reporter or not? | NO |
| 3. Whether the judgment should be reported
in the Digest? | NO |

SURESH KAIT, J. (Oral)

CRL. M.A. 17530/2011 (Exemption)

Allowed subject to all just exceptions.

CRL. M.C. 3672/2011

- 1 Learned counsel for the petitioner submits that FIR No.

424/2006 was registered against the petitioners on the complaint of respondent No. 2/Ms. Talat Feroz, P.S. Lahori Gate, under Sections 498/406/34 Indian Penal Code, 1860.

2 It is submitted that the all the disputes among the parties have been settled qua settlement dated 12.10.2011, arrived at between them at Delhi High Court Mediation and Conciliation Centre. The relevant portion of the settlement is produced herein above.

“6 The following settlement has been arrived at between he parties hereto :

a) That the first party i.e. Mohd. Asim has agreed to divorce the second party i.e. Ms. Talat Firoz and both the parties shall file the joint application before the Hon’ble Court for quashing of FIR bearing No. 424/2006, P.S. Lahori Gate and the first party i.e. Mohd. Asim shall produce the Talaknama signed by Mohd. Asim as well as the two witnesses and both the parties shall remain present on the date of the hearing for recording their respective statements.

b) That the first party i.e. Mohd. Azim has also agreed not to claim the child custody of the daughter

i.e. Baby Fatima in future.

c) That the second party has agreed not to initiate any proceedings qua the maintenance of the second party against the first party in any manner whatsoever.

d) That both the parties have agreed to withdraw all the proceedings, if any, pending before any court of law against each other.

3 Consequent, to the said settlement, the petitioner No. 1 has pronounced “Talak” to respondent No. 2 today. A letter to this effect, which is witnessed by two witnesses is taken on record.

4 Respondent No.2/Ms. Talat Feroz is personally present in the court today. She has been duly identified by her counsel, Mr. Shoaib Shakeel, Advocate.

5 Mr. Shoaib Shakeel, Advocate upon instructions of respondent No. 2 submits that respondent No. 2 has settled all the disputes qua the above mentioned FIR with the petitioners and she does not want to pursue the case further. She has no objection if the present FIR is quashed.

6 Learned APP for State submits that the matter is listed for recording Prosecution Evidence at the trial court.

7 She further submits that since the Government Machinery has been misused and the precious time of the court has been wasted, the petitioners shall be imposed with heavy costs before quashing the FIR.

8 I find force in the submissions made by learned APP for State.

9 Accordingly, the petitioner No. 1 shall deposit a costs of Rs.25,000/- to be paid in the Welfare Fund of Delhi Police within a week from today. Proof of the payment of costs shall be placed on record.

10 In the above circumstances and in the interest of justice, I quash FIR No. 424/2006, P.S. Lahori Gate under Sections 498 A/406/34 Indian Penal Code, 1860 and all the proceedings emanating therefrom.

11 Criminal M.C. 3672/2011 is disposed of.

12 Dasti to both the parties.

SURESH KAIT,J

NOVEMBER 09, 2011/j