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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 11.12.2015

W.P.(CRL) 2907/2015

MOHD FARMAN & ORS

..... Petitioner

Through: Mr. Farhat Qadeeri, Advocate

versus

THE STATE & ANR

..... Respondents

Through: Mr. R.S. Kundu, ASC (Criminal) with
Mr. Vishesh Wadhwa, Advocate and
SI Vinay Kumar, PS- Khajuri Khas,
Delhi

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. The present is a petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) seeking quashing of FIR No.495/2013, under Sections 498-A/406/34 IPC, registered at Police Station- Khajoori Khas, Delhi and the proceedings arising therefrom.

2. Mohd. Farman and Sonu, petitioner No.1 and respondent No.2 respectively were married according to Muslim rites and ceremonies on

06.01.2013. No child was born out of the said wedlock. Owing to ideological and temperamental differences the parties to the marriage have been living separately since 02.03.2013. On a complaint filed by the respondent No.2 (wife) against her husband (petitioner No.1) and his family members, the subject FIR was registered.

3. Eventually better sense prevailed and the parties decided to settle all their matrimonial disputes with the assistance of Counselling Cell, North East District, Family Courts, Vishwas Nagar, Delhi. The settlement agreement dated 10.11.2015 is annexed to this petition as Annexure A-4. The salient terms and conditions of the said settlement agreement dated 10.11.2015 are as follows:-

- “1. It has been agreed between the parties that both the parties shall take divorce by way of Muslim Law (Shariyat).
2. It has agreed between the parties that respondent/husband shall pay a total sum of Rs.55,000/- (Rupees Fifty Five Thousand Only) to the petitioner/wife for full and final settlement against stridhan, dowry articles, present, past, future maintenance, mehar, iddat and permanent alimony.
3. It has agreed between the parties that both the parties shall withdraw the case No.MT-186/2015 & ML-116/14 which is pendnign before the court of Sh. A.S. Jayachandra, Ld. Principal Judge.
4. It has agreed between the parties that the respondent/husband shall pay Rs.20,000/- to the petitioner/wife at the time of quashing of FIR

No.495/13, P.S. Khajoori Khas, U/s 498A IPC & 3/4 D.P. Act on or before 09.12.2015. The oral pronouncement of divorce will be given at the time of quashing by the respondent/husband to the petitioner/wife.

5. It has agreed between the parties that the remaining amount of Rs.35,000/- (Rupees Thirty Five Thousand Only) will be paid on 27.01.2016 before the Hon'ble Court of Ms. Harleen Singh, M.M., Karkardooma Courts, Delhi and the petitioner/wife shall withdraw her complaint u/s 12 PWDV Act after receiving the remaining amount."

4. In a nutshell it has been agreed by and between the parties that Mohd. Farman shall pay a sum of Rs.55,000/- to Sonu as full and final settlement against stridhan, dowry articles, present, past, future maintenance, mehar, iddat and permanent alimony. In pursuance to the aforesaid settlement, a sum of Rs.20,000/- has been handed over to the complainant in Court today who acknowledges receipt thereof.

5. Soni, respondent No.2/complainant along with her father Sabbir Ahmed, who are present in Court and have been duly identified by IO SI Vinay Kumar, Police Station- Khajuri Khas, Delhi states that in view of the settlement arrived at between the parties, she is no longer keen to proceed with the subject FIR and the proceedings arising therefrom.

6. In view of the foregoing, since the dispute which resulted in the registration of the subject FIR has already been resolved amicably by the parties without any undue influence, pressure or coercion, no useful purpose will be served by proceeding with the subject FIR and the proceedings arising therefrom.

7. Consequently, FIR No.495/2013, under Sections 498-A/406/34 IPC, registered at Police Station- Khajoori Khas, Delhi and the proceedings arising therefrom are hereby set aside and quashed *qua* the petitioners.

8. The petition is disposed of accordingly.

SIDDHARTH MRIDUL, J

DECEMBER 11, 2015

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