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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL. MC.235/2016

MOHD. TALIB SAIFI & ORS.

..... Petitioner

Through: Mr Pushpender Sehgal, Adv. alongwith
petitioners in person

versus

STATE (GOVT OF NCT OF DELHI) & ORS.

..... Respondents

Through: Ms Neelam Sharma, Additional Public
Prosecutor for the State alongwith Sub Inspector
Rakesh Kumar Police Station Saket, New Delhi
Mr B.C. Tyagi, Adv. for R-2&3 alongwith
respondent Nos. 2 and 3 in person

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

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20.01.2016

This is a petition u/s 482 Cr.P.C. moved by the petitioner for quashing of FIR No.238/2015 registered at Police Station Saket, New Delhi under Sections 354/323/34 IPC and consequent proceedings emanating therefrom on the ground that the parties have compromised the matter.

Petitioner no.1 got married to the respondent no.3 on 15.03.2014 according to Muslim rites and ceremonies. However, the respondent no.3 left the matrimonial home on 17.06.2014 due to difference of temperament and incompatibilities. Various cases were filed by the parties / their relatives. Ultimately, all the disputes were settled at Counselling Cell, Family Court, Saket, New Delhi for a total sum of Rs.6 lacs. As per the settlement dated 04.11.2015, the petitioner no.1 has given divorce to the respondent no.3 which is accepted by the respondent no.3. Out of total sum of Rs.6 lacs, Rs.5 lacs has already been paid by the petitioners and the balance amount of Rs.1 lac has been paid today in the Court by way of a demand draft by the petitioners to the respondent no. 3. (Photocopy of the same is placed on record).

The respondent Nos.2 and 3 are present in person (duly identified by the Investigating Officer) and submit that they have amicably resolved all disputes with the petitioners voluntarily without there being any threat, coercion or pressure of any sort and in view of the settlement arrived at between the parties, they do not want any action against the petitioners and do not have any objection to quashing of the instant FIR.

Learned Additional Public Prosecutor for the State submits that in view of the settlement arrived at between the parties, she has no objection to quashing of FIR.

Keeping in view the fact that the parties have compromised the matter with each other amicably and pursuant to settlement, other cases have been withdrawn, no useful purpose would be served by continuing the criminal proceedings against the petitioner, which will only be an exercise in futility and wastage of precious time of the Court.

Accordingly, the petition is allowed and the FIR No.238/2015 registered at Police Station Saket, New Delhi under Sections 354/323/34 IPC and consequent proceedings emanating therefrom are hereby quashed subject to cost of Rs.15,000/- to be paid by the petitioners to the respondent no. 2 within 15 days by way of demand draft through Investigating Officer. Photocopy of demand draft be placed on record.

The petition stands disposed of accordingly.

A copy of this order be given *dasti* to counsel for the petitioners.

SUNITA GUPTA, J

JANUARY 20, 2016/*rd*