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

Date of Decision: 21st April, 2016

+ **W.P.(CRL) 52/2016**

MUSTAQUEEM ALVI

@ MUSTAQUEEM AHMAD & ORS

..... Petitioners

Through

Mr. Nazim Hussain Qureshi and Mr.
Mohd. Umar Qureshi, Advs.

versus

THE STATE OF DELHI & ANR

..... Respondents

Through

Ms. Kamna Vohra, ASC (Crl.)
Mr. Niteshwar Singh, Adv. for R-2 along
with Respondent no. 2/Complainant

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 seeking quashing of FIR No. 59/2015 under Sections 406/498A/34 IPC registered at Police Station- Jagatpuri, Delhi and the proceedings arising therefrom.

2. The facts in brief are that the petitioner no. 1 (husband) and respondent No.2/complainant (wife) were married to each other according to Muslim rites and customs on 27th October, 2013. Owing to temperamental and ideological differences between the parties to the marriage, they started living separately since 15th May, 2014. No child has been born out of the said wedlock. On a

complaint instituted by respondent no.2 (wife), the subject FIR was registered against the petitioner no. 1 (husband) and his family members.

3. Counsel for the parties state that with the aid and assistance of Delhi Mediation Centre, Karkardooma Courts, Delhi, the outstanding matrimonial dispute between the parties to the union has been settled amicably by an order dated 15th May, 2015. The salient terms and conditions of the settlement as enshrined in the said order are as follows:-

“1. It has been agreed between the parties that the respondent/husband shall pronounce talaq upon complainant/wife on 3.6.2015 as per Muslim Law.

2. It has been agreed between the parties that the respondent no. 1/husband shall pay Rs. 1,50,000/- (Rs. One Lac Fifty Thousand only) to the complainant/wife towards full and final settlement of all the rights and claims of complainant arising out of present marriage such as maintenance (past, present and future), permanent alimony, dowry articles and mehar etc.

3. It has been further agreed between the parties that out of the above mentioned settled amount, Rs. 50,000/- (Rupees Fifty Thousand only) shall be paid by the respondent/husband to the complainant by way of cash in the court concerned on 3.6.2015.

4. It has been further agreed between the parties that Rs. 50,000/- (Rupees Fifty Thousand only) shall be paid by the respondent/husband to the complainant by way of cash in the court concerned at the time of withdrawal of the present DV Act on 21.07.2015.

5. It has been further agreed between the parties that Rs. 50,000/- (Rupees Fifty Thousand only) shall be paid by the respondent/husband to the complainant by way of cash in the court concerned at the time of quashing of the abovesaid FIR

bearing no. 59/2015 before the Hon'ble High Court of Delhi at New Delhi and the complainant shall cooperate with the respondents in getting the abovesaid FIR quashed and the quashing petition shall be filed by the respondents on or before 21.8.2015.

6. It is further agreed that after this settlement, both the parties shall be left with no claims against each other of any nature whatsoever and shall be free to live their lives independently without interference of each other and shall not claim any rights in any movable or immovable properties of the respondent/husband and vice-versa and his family members and also both the parties and their relatives shall not file any case/litigation against each other in future pertaining to this marriage.

7. It is agreed that both the parties have arrived at the present settlement out of their free will and consent without any force, compulsion or coercion and they are signing the present settlement after fully understanding the contents of the same, which have also been read over to them in vernacular.

8. It is agreed that both the parties undertake to remain bound by the terms of settlement.”

4. In a nutshell, it is agreed by and between the parties to the union that respondent no. 2 (wife) shall be paid a total sum of Rs. 1.50 lakhs towards all her claims against the petitioners.

5. Counsel for the parties further state that pursuant to the said settlement between the parties to the union, the sum of Rs. 1 lakh has already been received by respondent no.2 (wife). The balance sum of Rs. 50,000/- has been handed over to the respondent no. 2(wife) in Court today. The latter acknowledges receipt thereof.

6. Counsel for the parties also state that pursuant to the settlement arrived at between the parties to the union, *talaq* as per Muslim Personal Law has been duly pronounced thrice by the petitioner no. 1 (husband) upon respondent no. 2 (wife) on 20th June, 2015 and the statements of the parties in this behalf have also been recorded before the learned Metropolitan Magistrate, Mahila Court-I, Karkardooma Courts, Delhi.

7. Ms. Samreen, the respondent No.2/complainant (wife), who is present in Court and has been identified by her counsel Mr. Niteshwar Singh, Advocate, states that in pursuance to the settlement arrived at between the parties to the union, she is no longer keen to proceed with the subject FIR and the proceedings emanating therefrom.

8. Since the dispute between the parties which arose out of a matrimonial discord between petitioner no. 1 and respondent no. 2 and resulted in the registration of the subject FIR, has been settled amicably by way of a settlement before the Delhi Mediation Centre, Karkardooma Courts, Delhi by order dated 15th May, 2015, without any undue influence, pressure or coercion; and the settlement between the parties is lawful, no useful purpose will be served by proceeding with the subject FIR and the proceedings arising therefrom.

9. Resultantly, the FIR No. 59/2015 under Sections 406/498A/34 IPC registered at Police Station- Jagatpuri, Delhi and the proceedings arising therefrom are hereby set aside and quashed qua all the petitioners.

10. It is also observed that as a consequence of the settlement arrived at between the parties to the marriage, a quietus will be applied to the case filed by the respondent no.2/complainant (wife) under Section 12 of the DV Act, 2005, in addition to the disposal of the present writ petition.

11. With the above directions, the writ petition is allowed and disposed of accordingly.

12. Copy of this order be given dasti to counsel for the parties under signature of the Court Master.

SIDDHARTH MRIDUL, J

APRIL 21, 2016
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