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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 3rd February, 2016

+ W.P.(CRL) 350/2016

MOHD VASIM & ORS

..... Petitioners

Through

Mr. S.R. Gupta, Advocate along with
petitioners

versus

THE STATE & ANR

..... Respondents

Through

Mr. Avi Singh, ASC (Crl.) with
Ms. Megha Bahl, Advocate
SI Sanjay Rana, P.S. Mahendra Park
Mr.S.R. Gupta, Adv. for the complainant
along with complainant/R-2

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. 564/2015 under Sections 406/498A/34 IPC registered at Police Station- Mahendra Park, 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 31st October, 2012. Owing to temperamental and ideological differences between the parties to the marriage, they started living separately

since June, 2015. One girl child namely Aayesha @ Ikra has been born out of the said wedlock and the custody of the child is with respondent no. 2/complainant (wife). 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 intervention of respectable persons of the society, family members and common friends, the parties have amicably settled their outstanding matrimonial dispute which culminated into a Compromise Deed dated 14th December, 2015. The salient terms and conditions of the afore-stated settlement are as follows:-

“1. That the first party has settled her entire claim at Rs. 1,50,000/- (Rupees One Lac Fifty Thousand) from the second party and second party has agreed to give the said amount to the first party.

2. That the first party is agreed to take divorce from her husband and on 14.12.2015, she has taken divorce from her husband. Apart from the said amount, the first party shall not claim anything in future from the second party. The first party has also received her stridhan and now nothing remains with the second party.

3. That the first party has received her full and final settlement of Rs. 1.50 lac in cash from the second party and the first party has agreed to cooperate the second party to get the aforesaid FIR quashed before the Hon'ble High Court of Delhi within 10 days from today.

4. That the custody of the said minor daughter will remain with the first party and the second party will not claim in future about the same.

5. That the first party shall not file any case for maintenance, dowry, properties etc. against the second party and his family members before any court of law and police station and

similarly, the second party shall also not file any case, petition etc. against the first party in future before any court of law and police station.”

4. In a nutshell, it has been agreed by and between the parties to the union that respondent no. 2 (wife) shall be paid a sum of Rs. 1.5 lakhs towards all her claims against the petitioners.

5. Counsel for the parties further state that pursuant to the said settlement, the entire sum of Rs. 1.5 lakhs has been paid to the respondent no. 2/complainant (wife). 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, a *Talaknama* in accordance with Muslim Personal Law has already been executed between the parties on 14th December, 2015.

7. Ms. Arshi, the respondent No.2/complainant (wife), who is present in Court and has been identified by the Investigating Officer i.e. SI Sanjay Rana, Police Station- Mahendra Park, Delhi, 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

Compromise Deed dated 14th December, 2015 without any undue influence, pressure or coercion, no useful purpose will be served by proceeding with the subject FIR and the proceedings arising therefrom.

9. Resultantly, the FIR No. 564/2015 under Sections 406/498A/34 IPC registered at Police Station- Mahendra Park, Delhi and the proceedings arising therefrom, are hereby set aside and quashed qua all the petitioners subject to all the petitioners paying a sum of Rs. 5,000/- each to the complainant within a period of two weeks from today. A copy of the receipt thereof shall be provided to the Investigating Officer in the subject FIR.

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

11. Copy of this order be given dasti under signatures of the Court Master.

SIDDHARTH MRIDUL, J

FEBRUARY 03, 2016
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