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

Date of Decision: 13th May, 2016

+ **Writ Petition (Crl.) 1420/2016**

MOHD AZAM & ORS

..... Petitioners

Through

Mr. Pankaj Kumar, Advocate along with
petitioners

versus

THE STATE & ANR

..... Respondents

Through

Mr. Rajesh Mahajan, ASC (Crl.) with
Ms. Parul Jamwal, Advocate
SI Rakesh Kumar, PS Jafrabad
Respondent no. 2 in-person

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. 625/2014 under Sections 406/498A/506/323/34 IPC registered at Police Station- Jafrabad, 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 17th October, 2009. Owing to temperamental and ideological differences between the parties to the marriage, they started living separately since April, 2012. 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 and the factum of settlement has been recorded in the order dated 3rd July, 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 they shall take divorce by way of mutual consent.

2. It has been further agreed between the parties that the applicant/respondent/husband Sh. Mohd. Ajam shall pay a total sum of Rs. 1,50,000/- (Rupees one lac and fifty thousand only) to the complainant/wife Ms. Najreen towards full and final settlement of all her claims arising out of their marriage which includes maintenance (present, past and future), permanent alimony, dowry articles, stridhan, iddat and mehar etc.

3. It is agreed that the respondent/husband Sh. Mohd. Ajam shall pay an amount of Rs. 50,000/- (Rupees fifty thousand only) in cash to the complainant/wife Ms. Najreen before the court of Ms. Harleen Singh, Ld. MM, Delhi at the time of withdrawal of complaint under DV Act and the remaining amount of Rs. 1,00,000/- shall be paid by the respondent/husband to the complainant/wife at the time of quashing of FIR bearing No. 625/14, PS Jafrabad u/s 498A/406/506/323/34 IPC. The complainant/wife undertakes to cooperate with respondent/husband and his family members in quashing of this FIR. The quashing petition shall be filed by the respondent/husband and his family members on or before 30/10/2015 before the Hon'ble High Court of Delhi.

4. It is agreed that apart from the settled amount of Rs. 1,50,000/-, the respondent/husband shall also return certain articles i.e. (a) one pair of gold kada (b) one gold necklace (c) one gold ring (d) one gold chain (e) one sofa set (f) one table (g) one TV (h) one TV showcase (i) one almirah (j) one gas cylinder & (k) one gas stove. The jewellery articles as mentioned above shall be returned on 07/07/2015 before the Hon'ble Referral Court at the time of hearing bail application and the remaining articles shall be returned on or before 05/07/2015 against proper receipt.

5. It is agreed that the respondent/husband shall pronounce *talaq* thrice to the complainant/wife on or before 07/07/2015.”

4. In a nutshell, it is agreed by and between the parties to the union that respondent no. 2/complainant (wife) shall be paid a total sum of Rs. 1.5 lakh 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 entire sum of Rs. 1.5 lakh has already been received by 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, *talaq* as per Muslim Personal Law has been duly pronounced thrice by the petitioner no. 1 (husband) upon respondent no. 2/complainant (wife) on 9th May, 2016.

7. Ms. Najreen, the respondent No.2/complainant (wife), who is present in Court and has been identified by the Investigating Officer in the subject FIR

namely SI Rakesh Kumar, Police Station- Jafrabad, 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 settlement before the Delhi Mediation Centre, Karkardooma Courts, Delhi by order dated 3rd July, 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. 625/2014 under Sections 406/498A/506/323/34 IPC registered at Police Station- Jafrabad, 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 under Section 12 of the DV Act, 2005 as well as petition under Section 125 Cr.P.C. filed by the respondent no.2/complainant (wife), in addition to the disposal of the present writ petition.

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

MAY 13, 2016/sd

SIDDHARTH MRIDUL, J