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

+ **CRL.M.C. 2109/2016 & CrI.M.A. 8920/2016 (stay)**

NIZAMUDDIN SIDDIQUI & ORS

..... Petitioner

Represented by: Mr. Sibor Sankar Mishra, Mr.
Raj Kumar Parashar, Mr.
Sanjay Sharma, Advs.

versus

THE STATE (GOVT OF NCT OF DELHI) & ORS

..... Respondent

Represented by: Mr. Hirein Sharma, APP with
SI Ajmer Singh Khatri CAW
Cell, Nanakpura.
Mr. Khalil A. Ansari, Mohd.
Akhtar, Advs. for R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

25.10.2016

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By the present petition the petitioners who are five in number and family members of respondent No.3 seek quashing of FIR No. 102/2011 under Sections 498A/406/34 IPC registered at PS Nanakpura, Delhi on the complaint of Respondent No.2 on the ground that the parties have settled the matter.

Learned APP for the State on instructions from Investigating Officer submits that respondent No.2 is the only complainant/ victim in the above-noted FIR and the respondent No.3 her ex-husband whose whereabouts are

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not known and has been declared a proclaimed offender by the Trial Court. He further states that besides the respondent No.3, petitioner No.1 to 5 who are family members of respondent No.3 are the other accused.

Respondent No. 2 is present in Court and is identified by the learned counsel and the Investigating Officer. She states that she has settled the matter with the petitioners before the mediation centre, Saket Court as recorded on 9th May, 2016 copy whereof is annexed as Annexure P-5 to the present petition at pages 67 – 70. Talak has already been pronounced by respondent No.3 on respondent No.2 as per Muslim law and rites on 17th January, 2011. Further as per the settlement the petitioners have agreed to pay a sum of ₹24 lakhs in lieu of all the claims of respondent No.2 qua her maintenance, mehar, istridhan etc., and out of the said amount she has already received a sum of ₹ 16 lakhs and the balance amount of ₹8 lakhs has been received by her today in Court by way of demand draft No.'029342' drawn on Axis Bank. She further states that from the wedlock one girl child namely Sairish Siddiqui was born on 10th May, 2014 who will remain in the care and custody of respondent No.2 and the petitioners would neither have the guardianship nor the visiting rights of the said child. Respondent No.2 states that she does not wish to pursue the FIR in its entirety and the same be quashed against the petitioners and as and when respondent No.3 is available she will cooperate in quashing of the FIR qua respondent No.3 as well.

Petitioners who are present in Court and are identified by the learned counsel affirm the statement of respondent No.2 and state that they will abide by the terms of settlement arrived at between the parties.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, rather the same would create further acrimony between them, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No. 102/2011 under Sections 498A/406/34 IPC registered at PS Nanakpura, Delhi and proceedings pursuant thereto are hereby quashed qua the petitioners herein. As and when respondent No.3 is available to the investigating agency, his case for quashing of the FIR will be considered separately as per law.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

The petition and application are disposed of. Order dasti.

MUKTA GUPTA, J.

OCTOBER 25, 2016
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