

\$~9

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CRL.M.C. 4128/2016

KHURSHEED KHAN & ORS

..... Petitioners

Through Mohd. Arif, Mr. M. Khan, Advs.

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through Mr. G.M. Farooqui, APP for State
with SI R.N. Pathak, PS Jagatpuri,
Delhi.

Mohd. Zahid, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

%

16.12.2016

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.27/2016, under Sections 498A/406/34 IPC, registered at Police Station Jagatpuri, Delhi and all the proceedings emanating therefrom.

Counsel for the petitioners has submitted that petitioner No.1 Shri Khursheed Khan was the husband, petitioner No.2 Sh. Habib Khan was the father-in-law, petitioner No.3 Smt. Anisha was mother-in-law, petitioner No.4 Shri Irfan and petitioner No. 6 Shri Arif were the brothers-in-law and petitioner No. 5 Smt. Sana was the sister-in-law of the complainant/respondent No.2. Counsel further submits that the marriage between the petitioner No.1 and the respondent No.2 was solemnized on 07.01.2005 according to Muslim rites, customs and ceremonies. Counsel further submits that due to temperamental

differences and misunderstanding arisen between them, the marital relations between them could not proceed further, resultantly, an FIR No.27/2016, under Sections 498A/406/34 IPC was got registered by the respondent No.2 at Police Station Jagatpuri, Delhi. Subsequently, after the registration of the FIR, with the help of near relatives and close friends, they have amicably settled all their disputes and differences before Mediation Centre, Karkardooma Courts, Delhi vide settlement deed dated 04.07.2016 and their marriage has also been dissolved by mutual consent by a decree of divorce dated 20.10.2016 as petitioner no. 1 has pronounced triple Talaq to respondent no.2 as per Muslim law. He further submits that all disputes have been amicably settled between the parties and nothing remains to be adjudicated upon further and submits that the FIR in question is coming as hurdle in the way of the present petitioners. He further submits that the balance amount of Rs.1,00,000/- (Rupees one lakh only) has already been paid to the respondent no. 2 through Demand Draft bearing no. 858036 dated 07.10.2016 drawn on Allahabad Bank, UP A.V.P. Bodla (212300) in favour of respondent No.2, Shabina. He further submits that the petitioners and the respondent No.2 want to lead their independent and peaceful life in near future and since all disputes have been settled between them, the FIR in question, which is coming as hurdle in their way and all proceedings arising therefrom may be quashed.

The respondent No.2/complainant Shabina is present in Court today and has been identified by her counsel and the Investigating

Officer, SI R.N. Pathak, P.S. Jagatpuri, Delhi. The complainant also admits that the matter has been amicably settled with the petitioners and she has no claim or grievance left against the petitioners. She further submits that the settlement/compromise has taken place voluntarily, without any force, pressure or coercion. She further submits that their marriage has already been dissolved by mutual consent by a decree of divorce dated 20.10.2016 and she has no objection if the FIR in question is quashed.

Keeping in view the facts and circumstances of the case and the fact that the matter has been amicably settled between the parties and also the marriage between the petitioner No.1 and respondent No.2 has already been dissolved by mutual consent by a decree of divorce dated 20th October, 2016, it is in their interest to lead their independent and peaceful life in future, consequently, the FIR No.27/2016, under Sections 498A/406/34 IPC, registered at Police Station Jagatpuri, Delhi and all the proceedings emanating therefrom are hereby quashed.

The present petition is disposed of accordingly.

Copy of this order be given *dasti*, as prayed.

I.S.MEHTA, J

DECEMBER 16, 2016

manish