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

+ CRL.M.C. 4391/2016

SABIR HUSSAIN

..... Petitioner

Represented by: Mr. S.B. Dinkar, Advocate
with petitioner in person.

versus

STATE (NCT OF DELHI) & ORS

..... Respondents

Represented by: Mr. Amit Ahlawat, APP for the
State with SI Jasmer Singh, PS
Jahangir Puri.
Respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
24.11.2016

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By the present petition the petitioner seeks quashing of FIR No. 193/2007 under Sections 406/498A/34 IPC registered at PS Jahangir Puri, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned APP for the State on instructions from the Investigating Officer submits that in the above noted FIR initially five accused were arrayed and charge sheet was filed qua them however, charge was framed for offences punishable under Sections 498A/406 IPC against the petitioner Shabir Hussain only. Rest all the four accused were discharge. Thus the petitioner is the only accused and the respondent No. 2 is the only complainant/victim.

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The complainant/Respondent No. 2 Ms. Salma, who is present in Court and is identified by the Investigating Officer states that she has settled the matter with the petitioner. In terms of the settlement talaq has been pronounced on 11th June, 2008 and she has received a sum of ₹10,000/- in lieu of her claims of mehar, streedhan etc. and she has now no claims whatsoever remaining against the petitioner. She further states that the two daughters namely Sanya and Sameera born out of the wedlock would remain in the care and custody of the petitioner however, she would have the right to meet the two daughters. She states that she does not want to pursue the abovementioned FIR and the proceedings pursuant thereto.

Petitioner who is present in Court and is identified by the learned counsel affirms the statement of respondent No.2 and states that though the two daughters namely Sanya and Smeera will remain in his care and custody however, once a month, that is, first Tuesday of every month in the afternoon after the girls come back from the school, he would take two of them to the respondent No.2 so that she could meet them. He also states that he will abide by the terms of the settlement.

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. 193/2007 under Sections 406/498A/34 IPC registered at PS Jahangir Puri, Delhi and proceedings pursuant thereto are hereby quashed.

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

The petition is disposed of. Order dasti.

MUKTA GUPTA, J.

NOVEMBER 24, 2016
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