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

+ **CRL.M.C. 850/2017**

FAIZAN KHAN & ANR

..... Petitioners

Represented by: Mr. Meraj A. Khan, Advocate
with petitioners in person.

versus

STATE & ANR

..... Respondents

Represented by: Ms. Meenakshi Chauhan, APP
for the State with Inspector
Raman Pratap, Licensing
Branch.
Respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

02.03.2017

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By the present petition the petitioners seek quashing of FIR No. 0098/2015 under Sections 498A/406/34 IPC registered at PS Crime (Women) Cell, Nanak Pura, 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 the two petitioners are the only accused and the respondent No. 2 the only complainant/victim.

The complainant/Respondent No. 2 Ms. Nida Shahid, who is present in Court and is identified by the Investigating Officer states that she has

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settled the matter with the petitioners before the CAW Cell, Nanak Pura in the pre-litigative mediation. Pursuant to the settlement between the parties, talaq has been pronounced between the petitioner No.1 and the respondent No.2 before the two witnesses on 14th December, 2016. As full and final settlement of all the claims, that is, mehar, maintenance, streedhan and alimony etc. of the Respondent No. 2, the Petitioner No.1 has to pay a total sum of ₹40 lakhs out of which the petitioner No.1 has already handed over a sum of ₹15 lakhs to the respondent No. 2. A further sum of ₹ 15 lakhs was handed over to the respondent No.2 at the time of withdrawal of the petition under Section 125 Cr.P.C. The balance amount of ₹10 lakhs has been paid to the respondent No.2 today in Court by way of Demand Draft Nos.571850 and 571851 dated 16th January, 2017 drawn on Kotak Mahindra Bank, Indira Nagar, Lucknow. Respondent No.2 states that now she has no claims whatsoever remaining against the petitioners. She states that the minor child Eleza Khan, born out of the wedlock will remain in her care and custody and the petitioners will not claim her custody, however, the petitioner No.1 would be entitled to visit the minor child once in three months as agreed between the parties. She states that she will abide by the terms of the memorandum of understanding arrived at between the parties before the CAW Cell, Nanak Pura, copy whereof is at pages 37 to 39 of the paper-book. She states that she does not want to pursue the abovementioned FIR and the proceedings pursuant thereto.

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

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the parties before the CAW Cell, Nanak Pura, Delhi.

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. 0098/2015 under Sections 498A/406/34 IPC registered at PS Crime (Women) Cell, Nanak Pura, 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
MUKTA GUPTA, J.

MARCH 02, 2017
'vn'

P-1 Fairan Khan CRL.M.C. 850/2017

P-2 Razia Khan
I, identify by
the Petitioner's
Jehithom
M.A. Khan
Adv.
D/682/91

I have received
DD. No. 571850 &
571851

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dt: 16-01-2017
drawn on Kohli Bank
Sum of Rs 1900,000/-
Nida Shah

I identify the respondent,
No. 2 as Nida Shah

Ram Pratap
Insp. Ram Pratap
D-3978
Licensing Branch