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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 785/2017
MOHD NISAR & ANR

..... Petitioners

Through: Mr.Riaz Mohd. Advocate with the
petitioners in person.

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Through: Mr.Izhar Ahmad, APP for State with
SI Rahul Malik, P.S. Sarai Rohilla,
Delhi.
Mr.K.R.Rana, Advocate for R2 with
R2/complainant in person.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

27.02.2017

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This is a petition under Section 482 Cr.P.C. filed on behalf of the petitioners seeking quashing of FIR No.504/2013, under Sections 498-A/406/34 IPC, registered at Police Station Sarai Rohilla, Delhi and all subsequent proceedings arising therefrom.

Learned counsel for the petitioners submits that the petitioner No.1 Mohd. Nisar was the husband and petitioner No.2 Smt. Nasim was the sister-in-law of the respondent No.2 Ms.Rehana. Counsel further submits that the marriage between the petitioner No.1 and the respondent No.2 was solemnized on 20.05.2012 as per Muslim rights and customs at Delhi. Counsel further submits that out of the said wed lock of the parties, a female child, namely, Dania was born on 20.02.2013, who is right now in the care and custody of the respondent No.2/complainant, being her mother and natural guardian. Counsel further submits that due to misunderstanding

arisen between the parties, the respondent No.2 got registered an FIR No.504/2013, under Sections 498-A/406/34 IPC, at Police Station Sarai Rohilla, Delhi. Counsel further submits that after the registration of the FIR, the near relatives and friends intervened and the matter has been amicably settled/compromised between the parties and the same has been reduced down into writing on 04.08.2016 and the marriage between the petitioner No.1/husband and the respondent No.2/wife has already been dissolved by pronouncing talaq by the petitioner No.1 as per muslim rights and customs and further submits that nothing further remains to be adjudicated between them. Counsel further submits that in addition to the settled amount of Rs.85,000/-, the petitioner No.1 is further ready to give an amount of Rs.500/- per month as maintenance to his daughter Dania through the respondent No.2/complainant, her mother and natural guardian. Let statement of the petitioner No.1 be recorded separately. Counsel, however, further submits that the aforesaid FIR is coming as a hurdle in the peaceful life of both the parties and prays that since nothing further remains to be adjudicated, the said FIR may be quashed.

The respondent No.2/complainant Ms.Rehana is present in Court today and has been identified by the IO SI Rahul Malik, P.S. Sarai Rohilla, Delhi and is also represented by her counsel Mr.K.R.Rana, Advocate. The complainant, present in person, admits the factum of amicable settlement with the petitioners and further admits that in terms of the settlement she has received all the due amount and nothing further remains to be paid to her. She further admits that her marriage with the petitioner No.1 has already been dissolved by pronouncing talaq by the petitioner No.1/husband as per muslim customs. She further submits that the settlement arrived at between

them is voluntary and without any force, pressure or coercion and further submits that she has no objection if the aforesaid FIR is quashed.

Looking into the above facts and circumstances, since the matter has been amicably settled/compromised between the parties and the same has been reduced down into writing on 04.08.2016 and the marriage between the petitioner No.1 and the respondent No.2 has been dissolved by pronouncing talaq by the petitioner No.1/husband as per muslim customs and nothing further remains to be adjudicated between the parties and that the petitioner No.1 has voluntarily undertaken to pay a sum of Rs.500/- per month to his daughter Dania as maintenance till she attains the age of majority, I deem it appropriate to quash the FIR in question. Statement of the petitioner No.1 Mohd. Nisar has been recorded separately wherein he has undertaken to pay a sum of Rs.500/- per month to his daughter Dania as maintenance till she attains the age of majority. Consequently, to meet the ends of justice, FIR No.504/2013, under Sections 498-A/406/34 IPC, registered at Police Station Sarai Rohilla, Delhi and all subsequent proceedings arising therefrom and all subsequent proceedings arising therefrom are hereby quashed. the parties shall be bound by the terms of the settlement deed dated 04.08.2016 and the petitioner No.1 shall also be bound by his statement recorded today in Court and shall not violate the same in any manner.

The present petition is allowed and stands disposed of accordingly.

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

I.S.MEHTA, J

FEBRUARY 27, 2017

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