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

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Date of Decision: 21.09.2017

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CRL.M.C. 2901/2017

MAHBOOB @ MAHBOOB KHAN

..... Petitioner

Through: Mr. S.A. Sattar, Advocate with
Mr.Ajmal Farooqui, Advocate along with
petitioners in person.

versus

THE STATE NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Tarang Srivastava, APP for the State
with W/SI Brahmo Devi, PS South Campus, Delhi.
Respondent No.2 in person.

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W.P.(CRL) 1032/2017

MAHBOOB & ORS.

..... Petitioners

Through: Mr. S.A. Sattar, Advocate with
Mr.Ajmal Farooqui, Advocate along with
petitioners in person.

versus

STATE DELHI ADMIN & ANR

..... Respondents

Through: Ms. Nandita Rao, ASC for the State with
ASI Pritam Singh, PS Ambedkar Nagar.
Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

VINOD GOEL, J. (Oral)

CRL.M.C. 2901/2017

1. Status report has not been filed.
- 1.1 The respondent No.2 Ms.Salma Bano appears in person. She is accompanied by her parents. She is duly identified by IO W/SI Brahmo Devi.
- 1.2 Pursuant to the order dated 28.07.2017, the petitioner has filed the amended memo of parties after mentioning the correct name of his father. The same is taken on record.
- 1.3 The petitioner has approached this Court under Section 482 of the Code of Criminal Procedure, 1973 (in short Cr.P.C.) for quashing of the FIR bearing No.87/2016, registered on 12.02.2016 against him, with Police Station South Campus, South District, Delhi under Sections 354/323/506/509 IPC on the complaint of respondent no.2.

W.P.(CRL) 1032/2017

- 2.1 Status report is on the record.
- 2.2 The respondent No.2 Ms.Salma Bano appears in person. She is duly identified by IO ASI Pritam Singh.
- 2.3 Amended memo of parties has been filed pursuant to the order dated 28.07.2017. The same is taken on record.
- 2.4 The petitioners have invoked the writ jurisdiction of this court under Article 226 of the Constitution of India read with Section 482 of Cr.PC for quashing of the FIR bearing No.464/2016, registered on 11.08.2016 against them with Police Station Ambedkar Nagar, South

East District, Delhi, under Sections 498A/406/34 IPC on the complaint of respondent No.2.

3. It is submitted by learned counsel for the parties that it was basically a matrimonial dispute between the petitioner Mahboob @ Mahboob Khan and respondent No.2.
4. The marriage of petitioner Mahboob @ Mahboob Khan was solemnised with respondent No.2 on 22.09.2013 as per Muslim law and customs. However, out of this wedlock no child was born.
5. After solemnization of their marriage, the petitioner Mahboob @ Mahboob Khan and respondent No.2 started residing together in the matrimonial home. Due to some temperamental differences between the said petitioner and the respondent no. 2, they could not reconcile with each other. Resultantly, the respondent no.2 left the matrimonial home on 17.11.2014 and started residing separately with her parents.
6. Initially the respondent No.2 lodged FIR No.87/2016 against the petitioner No.1. She lodged a complaint with CAW Cell which culminated into FIR No.464/2016 against all the petitioners. She preferred a petition under Section 12 of the Domestic Violence Act, 2005 (in short D.V. Act) before the learned MM Mahila Court, Saket New Delhi against the petitioners. She filed one criminal appeal bearing No.2/2017 before the learned ASJ, Saket, New Delhi impugning the order dated 05.12.2016 passed by the learned MM, Mahila Court, Saket, New Delhi. The petitioner Mahboob @ Mahboob Khan preferred one civil suit bearing No.78/2015 for

restitution of conjugal rights against the respondent No.2 before the learned Civil Judge, Junior Division, Sri Ganga Nagar, Rajasthan.

7. On making a reference by Learned Special Judge (PC Act) (CBI) (South District) Saket Court, New Delhi, in the said appeal, the parties appeared before the learned Mediator, Delhi Mediation Centre, Saket Court, New Delhi. On 15.03.2017, the petitioner Mahboob @ Mahboob Khan and respondent no.2 had amicably resolved and settled all their disputes. The petitioner Mahboob @ Mahboob Khan and the respondent no. 2 had decided to part company of each other. It was agreed that the petitioner Mahboob @ Mahboob Khan shall pronounced *Talak* to the respondent No.2 as per the muslim law. The petitioner had agreed to pay a total sum of Rs.5,02,100/- to the respondent no. 2 in full and final settlement of her all claims including the maintenance, *mehar*, costs of dowry/*stridhan* articles.
8. The respondent No.2 states that she had voluntarily settled and resolved all disputes with the petitioners without any force and coercion. The petitioner Mahboob @ Mahboob Khan and respondent No.2 submit that *talaknama* was executed on 28.03.2017 by them when divorce/*talaknama* was granted by the petitioner Mahboob @ Mahboob Khan to respondent No.2. The respondent No.2 submits that she had withdrawn her appeal. She submits that she will withdraw her petition u/s 12 of D.V. Act on the next date of hearing i.e. 25.09.2017 from the court of learned MM Mahila Court, Saket District, New Delhi. The petitioner Mahboob @ Mahboob Khan submits that he had

withdrawn his civil suit No.78/2015 for restitution of conjugal rights from the court of learned Civil Judge (Jr. Divn.), Sri Ganga Nagar, Rajasthan on 28.03.2017.

9. Today, the petitioner No.1 has paid the balance settlement amount of Rs.1,50,000/- by way of 03 Demand Drafts bearing No.569386 dated 10.07.2017 for Rs.75,000/-, No.569385 dated 10.07.2017 for Rs.25,000/-, No.569425 dated 24.07.2017 for Rs.50,000/-, all issued by Oriental Bank of Commerce, Shisri, Sri Ganga Nagar, Rajasthan in favour of respondent No.2, which have been accepted by her. She submits that she has received the entire settlement amount from the petitioner No.1. She submits that she does not want to pursue the said FIRs. She submits that the said FIRs may be quashed.
10. Learned APP through IO in Crl.M.C. No.2901/2017 and learned ASC through IO in WP(Crl.) 1032/2017 submit that the charge sheet has so far not been filed in either of cases.
11. Both the parties submit that now nothing is due and recoverable by them against each other. Since the parties have amicably settled all their disputes, no fruitful purpose would be served in further pursuing the said FIRs. Hence to secure ends of justice FIR bearing No. 87 /2016, registered on 12.02.2016, with Police Station South Campus, South District, Delhi under Sections 354/323/506/509 IPC and FIR bearing No. 464/2016, registered on 11.08.2016 with Police Station Ambedkar Nagar, South East District, Delhi, under Sections 498A/406/34 IPC and proceedings arising out of both the said FIRs

are hereby quashed.

12. Both the petitions are disposed of accordingly.

13. *Dasti.*

VINOD GOEL, J.

SEPTEMBER 21, 2017

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