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

+ W.P.(CRL) 1181/2017

USMAN ALI & ORS

..... Petitioners

Through Mr.Asim Ali, Adv. with Ms.Rubina,
Adv. along with petitioners in person.

versus

THE STATE & ANR

..... Respondents

Through Mr.Archit Vashistha, Adv. for
Ms.Nandita Rao, ASC for State along with SI
Gajender, PS CAW Cell, Nanakpura.
Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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31.07.2017

1. The petitioners have invoked the writ jurisdiction of this court under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short 'Cr.PC') for quashing of the FIR bearing No. 0037/2016, registered on 15.03.2016 with Police Station CAW Cell, Nanak Pura, New Delhi, under Sections 498A/406/506/34 IPC.
2. The marriage of the petitioner no. 1 and the respondent no. 2 was solemnized on 03.12.2006 as per Muslim rites and customs at New Delhi.
3. The petitioner no. 10 is the mother of the petitioner no.1. Petitioners no.2 to 9 and 11 to 16 are the close relatives of petitioner no.1 and

no.10.

4. After solemnization of marriage, the petitioner no. 1 and the respondent no. 2 started residing at the matrimonial home and a male child namely Ayan Khan was born on 03.09.2007.
5. Due to some temperamental differences between the petitioner no. 1 and the respondent no.2 they could not reconcile with each other. Resultantly, the respondent no.2 left the matrimonial home and started living separately with effect from 15.03.2016 with her parents. The child of the petitioner No.1 and respondent No.2 namely Ayan Khan has also been residing with respondent No.2.
6. The respondent no. 2 lodged a complaint which culminated into FIR bearing No. 0037/2016, registered on 15.03.2016 with Police Station CAW Cell, Nanak Pura, New Delhi, under Sections 498A/406/506/34 IPC against the petitioners.
7. The parties have amicably settled their disputes in terms of Settlement Deed dated 27th February, 2017. Copy of the same is placed on record.
8. By this settlement, the petitioner no.1 and respondent no.2 have decided to part company of each other and obtain divorce as per their Muslim customs. Petitioner no.1 had also agreed to pay a sum of Rs.1,10,000/- to the respondent no.2 in full and final settlement of her all claims which includes mehar amount, stridhan and maintenance. It was also agreed that the minor child shall remain in the custody of respondent no.2.
9. Respondent no. 2 appears in person and is duly identified by the IO SI Gajender.

10. Pursuant to this settlement dated 27.02.2017, the respondent No.2 states that she had already been divorced by the petitioner No.1 as per Muslim customs and at that time she received Rs.1,10,000/- from petitioner No.1 in cash.
11. The respondent no. 2 confirms that she has willingly settled the matter with the petitioners without any force or coercion and she does not want to pursue the said FIR. She submits that the FIR may be quashed.
12. Both the parties submit that now nothing is due and recoverable by them against each other. The matter has been amicably settled between the parties and no purpose would be served in further pursuing with the FIR bearing No. 0037/2016, registered on 15.03.2016 with Police Station CAW Cell, Nanak Pura, New Delhi, under Sections 498A/406/506/34 IPC. Hence, to secure ends of justice, the FIR bearing No. 0037/2016, registered on 15.03.2016 with Police Station CAW Cell, Nanak Pura, New Delhi, under Sections 498A/406/506/34 IPC and proceedings arising out of the same are hereby quashed.
13. The petition is disposed of.

VINOD GOEL, J.

JULY 31, 2017/jitender