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

+ **CRL.M.C. 1567/2017**

MOHD FAISAL

..... Petitioner

Represented by: Mr. Akhtar Shamim, Advocate
with petitioner in person.

versus

STATE & ANR

..... Respondents

Represented by: Ms. Aashaa Tiwari, APP for
the State with SI Omveer, PS
Nand Nagri and W/SI Santosh,
PS New Usmanpur.
Mr. Sambhav Luthra, Advocate
for respondent No.2 with
respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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19.04.2017

Crl. M.A. No. 6359/2017 (Exemption)

Allowed, subject to all just exceptions.

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By the present petition the petitioner seeks quashing of FIR No. 91/2010 under Sections 498A/406/34 IPC and Section 4 of the Dowry Prohibition Act, 1961 registered at PS Nand Nagri, 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 petitioner is the only accused

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facing trial as the other accused in the FIR were kept in Column No.12 in the charge sheet and were not summoned by the learned Trial Court. She further states that the respondent No.2 is the only complainant/victim in the above noted FIR.

The complainant/Respondent No. 2, who is present in Court and is identified by the learned counsel and the Investigating Officer states that she has settled the matter with the petitioner before the Delhi Mediation Centre, Karkardooma Courts on 16th July, 2015. In terms of the settlement respondent No.2 is entitled to receive a total sum of ₹5 lakhs for full and final settlement of all the claims, that is, mehar amount, iddat, streedhan, permanent alimony, dowry articles and also the maintenance of the minor daughter Adiba, born out of the wedlock of the petitioner and the respondent No.2. She states that she has already received a sum of ₹4.40 and the balance amount of ₹60,000/- has been received by her today in Court by way of Demand Draft No. 502831 dated 4th February, 2017 drawn on ICICI Bank, Aligarh. Respondent No.2 states that now she has no claims whatsoever remaining against the petitioner. She further states that talaq has been pronounced between the petitioner and the respondent No.2. The minor child Adiba born out of the wedlock of the petitioner and the respondent No.2 will live in her care and custody and the petitioner would neither have the custody of the minor child nor the visiting rights. She also 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 learned counsel affirms the statement of respondent No.2 and states that he will abide by the

terms of the settlement arrived at between the parties before the Delhi Mediation Centre, Karkardooma Courts on 16th July, 2015, copy whereof is annexed at pages 99-103 of the paper-book.

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. 91/2010 under Sections 498A/406/34 IPC and Section 4 of the Dowry Prohibition Act, 1961 registered at PS Nand Nagri, 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.

APRIL 19, 2017
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