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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1684/2017**
SHAKEEL ABDUL SATTAR SHAIKH

..... Petitioner

Through: Mr.Abdul Shamim Khan and Mohd.
Sharid, Advocates.

versus

STATE (NCT OF DELHI) & ANR Respondents

Through: Mr.Raghwinder Varma, APP for State
with W/SI Kusum Lata, P.S. Jafrabad,
Delhi.
Mr.Abbas Khan and Mr.Mohsin
Qureshi, Advocates for R2 with
R2/complainant in person.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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26.04.2017

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.296/2011, under Sections 498-A/406/34 IPC and Section 4 of Dowry Prohibition Act, 1961, registered at Police Station Jafrabad, North-East District, Delhi and all the proceedings emanating therefrom.

Learned counsel for the petitioners has submitted that petitioner No.1 Shakeel Abdul Sattar Shaikh got married with the respondent No.2 Smt.Farhana Shaikh on 10.09.2004 according to Muslim rites and customs and out of the said wedlock of the parties, one male child, namely, Saif Shaikh was born on 07.09.2006. Counsel further submits that after the birth of the child, a misunderstanding had arisen between the parties which resulted into the registration of the aforesaid FIR against the petitioner. He

further submits that after the registration of the FIR, the near relatives and friends intervened and the matter has been amicably settled between the parties and the same has been reduced into writing vide settlement deed dated 04.10.2016 before the Mediation Centre, Karkardooma Courts, Delhi and the said settlement has been acted upon between the parties and all due amounts as per the said settlement have been paid by the petitioners to the respondent No.2 and nothing remains to be due and payable to her and the last instalment amounting to Rs.1,00,000/- has been paid to her vide demand draft bearing No.115781 dated 24.04.2017 drawn on Union Bank, in favour of the respondent No.2. Counsel further submits that the marriage between the petitioner No.1 and the respondent No.2 has already been dissolved vide judgment and decree dated 09.02.2016 passed by the Principal Judge, Family Court (North-East Distt.), Viswas Nagar, Delhi and nothing remains to be adjudicated further between the parties, however, the FIR in question is coming as hurdle in the peaceful life of the present petitioners, and prays that the FIR and all proceedings arising therefrom may be quashed.

The respondent No.2/complainant, Smt.Farhana Shaikh is present in the Court today and has been identified by the Investigating Officer, W/SI Kusum Lata, P.S. Jafrabad, Delhi. The respondent No.2/complainant present in person admits that the matter has been amicably settled with the petitioner voluntarily and without any force, pressure or coercion and she has received all due amounts from the petitioner and nothing remains to be due and payable to her and the last instalment amounting to Rs.1,00,000/- has been paid to her vide demand draft bearing No.115781 dated 24.04.2017 drawn on Union Bank. She further admits that her marriage with the petitioner has already been dissolved vide judgment and decree dated 09.02.2016 passed

by the Principal Judge, Family Court (North-East Distt.), Viswas Nagar, Delhi and nothing remains to be adjudicated further between the parties and further submits that she has no objection if the FIR in question is quashed.

Keeping in view the facts and circumstances of the case and the fact that the matter has been amicably settled between the parties which has been reduced into writing before the Mediation Centre, Karkardooma Courts, Delhi on 04.10.2016 and nothing remains to be adjudicated further between the parties and also that the marriage between the petitioner and respondent No.2 has already been dissolved vide judgment and decree dated 09.02.2016 passed by the Principal Judge, Family Court (North-East Distt.), Viswas Nagar, Delhi, to have peace in the life of both families, I deem it appropriate to quash the aforesaid FIR and all proceedings arising from the same. Consequently, the FIR No.296/2011, under Sections 498-A/406/34 IPC and Section 4 of Dowry Prohibition Act, 1961, registered at Police Station Jafrabad, North-East District, Delhi and all the proceedings emanating therefrom are hereby quashed. Parties shall remain bound by the terms of the settlement.

The present petition is disposed of accordingly.

Copy of this order be given *dasti*.

I.S.MEHTA, J

APRIL 26, 2017

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