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

+ W.P.(CRL) 1501/2017

MOHD. ZAHEER & ORS.

..... Petitioners

Through: Mr. Yashvir Sethi, Advocate along
with petitioners in person.

versus

STATE & ANR.

..... Respondents

Through: Mr. Rajesh Mahajan, ASC for
State along with ASI Rajender Kumar, PS
Farsh Bazar, Delhi.

Respondent No.2 in person along with her
father.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

04.09.2017

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1. Status report has been filed.
2. Respondent No.2 is present with her father. She is duly identified by the IO ASI Rajender Kumar.
3. The petitioners have invoked the writ jurisdiction of this court under Article 226 of the Constitution of India read with Section 482 of Cr.P.C, 1973 (in short "Cr.P.C") for quashing of the FIR bearing No. 324/2016, registered against them on 26.07.2016 with Police Station Farsh Bazar, Delhi (East District), under Sections 498A/406/34 IPC on the complaint of respondent

No.2.

4. The marriage of the petitioner No.1 with the respondent no. 2 was solemnized on 01.09.2006 as per Muslim rites and customs in District Churu (Rajasthan). Out of this wedlock female twins were born on 28.01.2008 namely Sara and Mahi.
5. After solemnization of marriage, the couple started living at the matrimonial home. 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 with her parents from July, 2011.
6. Petitioner No. 2 and 3 are the parents of petitioner no.1 and petitioner no. 4 and 5 are the brothers of petitioner no.1.
7. Respondent No.2 filed a petition for maintenance u/s 125 of the Code of Criminal Procedure, 1973 (in short Cr.P.C) against the petitioner No.1 in the court of learned Principal Judge, Family Courts, Delhi. She also filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2015 (in short "D.V. Act") before the court of the learned MM, Mahila Court, Delhi. She lodged a complaint with CAW Cell which culminated into the said FIR.
8. The parties have amicably settled and resolved all their disputes on 24.04.2017. Copy of the settlement is placed on record. By this settlement, both the parties confirm that the divorce was granted by the petitioner no. 1 to the respondent no. 2 on 05.04.2016. The petitioner no.1 had agreed to pay a total sum

of Rs.5,71,000/- to the respondent no. 2 in full and final settlement of her all claims including the maintenance and cost of dowry articles. The respondent no. 2 had also agreed to withdraw her both petitions filed under Section 12 of D.V. Act and 125 of Cr.PC. It is also agreed that both the children will remain in the custody of the petitioner no. 1 and that the respondent no. 2 shall not have any visitation rights.

9. Respondent No.2 states that she had voluntarily resolved all disputes with the petitioners without any coercion or force. She submits and confirms that she has received the entire settlement amount by cash from the petitioner no.1. The respondent no. 2 undertakes to withdraw her both petitions filed under Section 12 of D.V. Act from the court of learned MM, Mahila Court, Delhi and 125 of Cr.PC from the court of learned Principal Judge, Family Court, Delhi on the respective dates of hearing. She submits that she does not want to pursue the said FIR. She submits that the said FIR may be quashed.
10. Learned ASC through the IO submits that the charge sheet has so far not been filed.
11. Both the parties submit that now nothing is due and recoverable by them against each other. The matter had been amicably settled between the parties and no fruitful purpose would be served in further pursuing the said FIR. Hence, to secure ends of justice, the FIR bearing No. 324/2016, registered on 26.07.2016 with Police Station Farsh Bazar, Delhi (East District), under Sections 498A/406/34 IPC and proceedings

arising out of the said FIR are hereby quashed.

12. The petition is disposed of accordingly.

13. DASTI.

VINOD GOEL, J.

SEPTEMBER 04, 2017

"shailendra"

