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

+ CRL.M.C. 4823/2016 & CRL.M.A.20036/2016

NAVED AHMAD KHAN Petitioner
Through: Mr.Akshit Gadhok, Adv.

versus

NCT OF DELHI & ANR. Respondents
Through: Mr.G.M.Farooqui, APP for State
ASI Parmjit Singh, PS-Tilak Nagar
Mr.Amarjit Sahni, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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02.02.2017

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.367/2013, under Sections 498A/406/34 IPC, registered at Police Station-Tilak Nagar and all the proceedings emanating therefrom.

Learned counsel for the petitioner submits that the petitioner, Shri Naved Ahmad Khan and respondent No.2, Ms.Shagufta Nasreen got married on 22.11.2009 as per Muslim rites and customs and out of the wedlock a girl child namely Liba Khan was born on 10.05.2011. He further submits that due to temperamental differences and misunderstanding arisen between them, the marital relations between them could not proceed further, which resulted in registration of the aforesaid FIR. He further submits that consequently with the help of near relatives and close friends, they have amicably settled all their disputes and differences and the same has been reduced into writing vide Memorandum of Settlement dated 19.11.2016. He

further submits that the marriage between the petitioner, Shri Naved Ahmad Khan and respondent No.2, Ms.Shagufta Nasreen was dissolved as per Muslim rites and customs. He further submits that all disputes have been amicably settled between the parties and the said settlement was acted upon and nothing remains to be adjudicated upon further and submits that the FIR in question is coming as hurdle in the way of the present petitioner. He further submits that the petitioner, Shri Naved Ahmad Khan and respondent No.2, Ms.Shagufta Nasreen want to lead their independent and peaceful life in near future and since all disputes have been settled between them, the FIR in question and all proceedings arising therefrom may be quashed.

The respondent No.2/complainant, Ms.Shagufta Nasreen is present in Court today and has been identified by the Investigating Officer, ASI Parmjit Singh, Police Station-Tilak Nagar. The complainant, Ms.Shagufta Nasreen also admits that the settlement/compromise has taken place voluntarily, without any force, pressure or coercion. She further submits that their marriage has already been dissolved as per Muslim rites and customs and that she has no objection, if the FIR in question is quashed.

Counsel for respondent No.2/complainant submits that demand draft No. 563158 dated 10.11.2016 for a sum of Rs.8,00,000/- (Rupees Eight Lakhs Only) drawn on Canara Bank and demand draft No. 301679 dated 10.11.2016 for a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) drawn on Canara Bank which is deposited in the Court of Ms.Anu Aggarwal, learned Metropolitan Magistrate, Mahila Court, Tis Hazari Courts, Delhi be released in favour of the respondent No.2/complainant, Ms.Shagufta Nasreen.

The parties have stated that the minor daughter Liba Khan is in the custody of complainant/respondent No.2, Ms.Shagufta Nasreen at present

and in future too.

Keeping in view the facts and circumstances of the case and the fact that the matter has been amicably settled between the parties and also the marriage between the petitioner, Shri Naved Ahmad Khan and respondent No.2, Ms.Shagufta Nasreen has already been dissolved, it is in their interest to lead their independent and peaceful life in future, consequently, the FIR No.367/2013, under Sections 498A/406/34 IPC, registered at Police Station-Tilak Nagar and all proceedings arising of the same are hereby quashed.

Trial Court to release the aforesaid demand drafts in favour of complainant/respondent No.2, Ms.Shagufta Nasreen; on moving appropriate application.

The present petition is disposed of accordingly. All pending application(s) (if any) also stand disposed of. Parties to remain bound by the terms of Memorandum of Settlement dated 19.11.2016

Copy of the order be given *dasti* as prayed.

I.S.MEHTA, J

FEBRUARY 02, 2017/radhika