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

+ W.P.(CRL) 2098/2017

AFZAL MIRZA & ORS

..... Petitioners

Through: Mr. Sanjay Kumar Mishra, Advocate  
along with petitioners in person.

versus

THE STATE GOVT OF NCT OF DELHI & ANR..... Respondents

Through: Mr. Rajesh Mahajan, ASC for the State  
with SI Saroj, P.S. Dwarka North, Delhi.

Mr. Yusuf, Advocate for R-2 along with  
respondent No.2 in person.

**CORAM:**

**HON'BLE MR. JUSTICE VINOD GOEL**

**ORDER**

% **15.09.2017**

1. Respondent No.2 appears in person. She is being represented by her counsel. She is duly identified by IO SI Saroj.
2. 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.0340/2016, registered on 06.07.2016 against them with Police Station Dwarka North, District South-West, Delhi under Sections 498A/406 IPC on the complaint of respondent No.2.
3. The marriage of the petitioner No.1 with the respondent no. 2 was solemnized on 09.03.2015 as per Muslim rites and customs. After the solemnization of marriage, the couple started residing at the matrimonial home. However, out of this wedlock no child was born.

4. Due to some temperamental differences between them, the petitioner no. 1 and respondent no. 2 could not reconcile with each other. As such, the respondent no.2 left the matrimonial home and started residing with her parents.
5. The respondent no. 2 lodged a complaint in CAW Cell which culminated into the said FIR. She had preferred a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short 'DV Act') against the petitioners before the court of learned MM, Mahila Courts, Dwarka Courts, Delhi. She also filed a petition u/s 125 of Cr.P.C. for maintenance against the petitioner No.1 before the learned Principal Judge, Family Courts, Dwarka, Delhi.
6. On 15.11.2016 the parties had amicably resolved and settled all their disputes. The petitioner no.1 had agreed to pay a total sum of Rs.1,65,000/- to the respondent no. 2 in full and final settlement of all her claims including permanent alimony, costs of dowry/*stridhan* articles and *mehar*. The petitioner No.1 and respondent No.2 had agreed to part company of each other by taking divorce as per muslim law. The respondent no. 2 had also agreed to withdraw her both the petitions. The respondent No.2 states that she had voluntarily resolved all disputes with the petitioners without any coercion or force.
7. Pursuant to this settlement, the respondent no. 2 submits that she had withdrawn her both respective petitions. She submits that she had received Rs.50,000/- on 18.01.2017 and further a sum of Rs.50,000/- on 18.04.2017 from the petitioner No.1 by Demand Draft.
8. Today, the petitioner No.1 has paid the balance settlement amount of Rs.50,000/- vide Demand Draft No.713749 issued by State Bank of

India, Azadpur, Delhi, and Rs.15,000/- in cash, which has been accepted by respondent No.2. The respondent no. 2 submits that she has received the entire settlement amount from the petitioner No.1. She submits that she does not want to pursue the said FIR. She submits that the said FIR may be quashed.

9. Learned ASC through the IO submits that the charge sheet has so far not been filed.
10. Since the parties have amicably settled all their disputes, no fruitful purpose would be served in further pursuing the said FIR. Hence, to secure ends of justice, the FIR bearing No.0340/2016, registered on 06.07.2016 with Police Station Dwarka North, District South-West, Delhi, under Sections 498A/406 IPC and proceedings arising out of the said FIR are hereby quashed.
11. The petition is disposed of accordingly.
12. *DASTI.*

**VINOD GOEL, J.**

**SEPTEMBER 15, 2017**  
*"sandeep"*