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

+ W.P.(CRL) 201/2017

JAVED & ORS

..... Petitioners

Through Mr.Dalip Kr. Santoshi, Adv. with
Mr.M.L. Paliwal, Adv. along with petitioners in
person.

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through Mr.Sanjay Lao, ASC for the State
with Mr.Siddharth Sindhu, Adv. with ASI Jaiveer
Singh, P.S. Khajuri Khas.
Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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25.07.2017

1. The petitioners have invoked the writ jurisdiction of this court under Article 226 and 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 for quashing of the FIR bearing No. 0267/2015, registered on 10.03.2015 with Police Station Khajuri Khas, Delhi, under Sections 498A/406/34 of IPC.
2. The respondent No.2 appears in person. She has been duly identified by the Investigating Officer.
3. The marriage of the petitioner No. 1 and the respondent No. 2 was solemnized on 26th August, 2012 as per Muslim rites and customs. No issue was born out of the wedlock.
4. The petitioner No.2 and petitioner No.3 are the parents of petitioner

No.1. Petitioners No.4 and 5 are the brothers of petitioner No.1.

5. Some differences cropped up between the petitioner No.1 and respondent No.2 and as a result of which the respondent No.2 started residing separately since 1st October, 2013. The respondent No.2 got registered the above said FIR against the petitioners. Matter is still under investigation and charge sheet so far has not been filed.

6. The respondent No.2 has also filed one petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short DV Act) against the petitioners.

7. The petitioner No.1 has also filed a suit for restitution of conjugal rights according to Muslim rites against respondent No.2.

8. On 19th July, 2014, the matter was referred to Counselling Centre at Family Court, Vishwas Nagar, Delhi, and parties have settled their disputes amicably on 19th July, 2014 itself. As per the settlement, the parties have decided to part with company of each other and get divorce on 23rd July, 2014 as per Muslim customs. The petitioner No.1 has also agreed to pay a total sum of Rs.2,50,000/- and one gold ring to the respondent No.2 in full and final settlement of all claims of respondent No.2. They have also agreed to withdraw their respective litigations from the concerned Courts.

9. It is submitted that on 25th July, 2014, the respondent No.2 had made the statement before the learned Metropolitan Magistrate, Mahila Court, to the effect that she had received Rs.2,50,000/- from the petitioner No.1 in cash along with the gold ring. Respondent No.2 further confirmed before the learned MM that the petitioner No.1 had already pronounced *Talak* to her.

10. It is submitted that pursuant to the settlement, the petitioner No.1 has

withdrawn his petition for restitution of conjugal rights. Respondent No.2 also submits that she has also withdrawn her petition under Section 12 of the DV Act from the concerned Court of MM. The petitioner No.1 and respondent No.2 confirm that *Talaq* has been granted by petitioner No.1 to respondent No.2 as per Muslim customs as agreed. Respondent No.2 confirms having received settlement amount of Rs.2,50,000/- along with her gold ring from the petitioner No.1. It is submitted that now neither of the parties is to recover anything from each other.

11. Respondent No.2 submits that the said FIR may be quashed as she does not want to pursue the same.

12. In these circumstances, when the matter has been amicably settled between the parties, no purpose would be served in further pursuing with the matter in the FIR bearing No. 0267/2015, registered on 10.03.2015 with Police Station Khajuri Khas, Delhi, under Sections 498A/406/34 of IPC. As such, to secure ends of justice, the FIR bearing No. 0267/2015, registered on 10.03.2015 with Police Station Khajuri Khas, Delhi, under Sections 498A/406/34 of IPC and proceedings arising out of the same are hereby quashed.

13. The petition is disposed of.

VINOD GOEL, J.

JULY 25, 2017/jitender