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

+ **W.P.(CRL) 2145/2017**

RIZWAN & ANR Petitioners

Through Mr.D.K. Santosh, Adv. with
petitioners in person.

versus

STATE OF NCT OF DELHI & ANR Respondents

Through Mr.Kamna Vohra, ASC for State with
SI Gaurav, P.S. Vivek Vihar.
Mr.S.K. Bhardwaj, Adv. for R-2 with respondent
No.2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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28.07.2017

Crl.M.A. 12038/2017 (exemption)

Exemption allowed subject to all just exceptions.

Application is disposed of.

W.P.(CRL) 2145/2017

1. Notice. Learned Additional Standing counsel, who appears on an advance copy, accepts notice.
2. Notice to respondent no. 2 also. She appears in person and is duly identified by the IO SI Gaurav. She is represented by counsel.
3. 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. 0606/2015, registered on 07.07.2015 with Police

Station Vivek Vihar, Delhi, under Sections 498A/406/34 IPC.

4. The marriage of the petitioner no. 1 and the respondent no. 2 was solemnized on 04.08.2002 as per Muslim rites and customs in Delhi.
5. The petitioner no. 2 is the mother of the petitioner no.1.
6. After solemnization of marriage, the petitioner no. 1 and the respondent no. 2 started residing at the matrimonial home and a female child namely Khushnuma was born on 08.08.2008.
7. 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 she started living separately with effect from 03.04.2011.
8. The respondent no. 2 lodged a complaint which culminated into FIR bearing No. 0606/2015, registered on 07.07.2015 with Police Station Vivek Vihar, Delhi, under Sections 498A/406/34 IPC against the petitioners. She had filed a petition under Section 125 of Cr.PC for maintenance against the petitioner no.1 before Principal Judge, Family Court, Shahdara, Delhi.
9. The parties have amicably arrived at a settlement before learned Counsellor, Counselling Cell, Karkardooma Court, Delhi, on 28.07.2016.
10. By this settlement, the petitioner no.1 and respondent no.2 parties have decided to part company of each other and obtain a decree of divorce by mutual consent as per their customs. It has also been settled that the petitioner no. 1 shall pay a total sum of Rs.25,000/- to the respondent no. 2 in full and final settlement of all her claims including the maintenance and cost of dowry articles. The respondent

no.2 had also agreed to withdraw the said petition i.e. under Section 125 of Cr.PC. It was also agreed that the female child namely Khushnuma will remain with petitioner No.1. It is agreed that the respondent No.2 shall have the visitation rights.

11. Pursuant to this settlement dated 28.07.2016, the respondent No.2 states that she had already withdrawn her petition under Section 125 Cr.P.C against the petitioner No.1. The petitioner No.1 had also divorced respondent No.2 as per Muslim customs on 25th May, 2017. Respondent No.2 confirms having received Rs.20,000/- by cash from the petitioner No.1 at the time when she had withdrawn her petition under Section 125 Cr.P.C. from the court of Principal Judge, Family Court, Shahdara, Delhi.
12. Today, as per the settlement between the parties, the petitioner no. 1 has paid Rs.5000/- to the respondent no. 2, being the balance settlement amount. She confirms having received the entire settlement amount of Rs.25,000/- from the petitioner no. 1.
13. Both the petitioner No.1 and respondent No.2 submit that the child Khushnuma shall remain in the custody of petitioner No.1. However, as and when the respondent No.2 desires to meet her, she will have the visitation rights.
14. The respondent no. 2 confirms that she has willingly settled the matter with the petitioners without any force or coercion and she does not want to pursue the said FIR. She submits that the FIR may be quashed.
15. Both the parties submit that now nothing is due and recoverable by them against each other. The matter has been amicably settled

between the parties and no purpose would be served in further pursuing with the FIR bearing No. 177/2016, registered on 25.02.2016 with Police Station Subhash Place, Delhi, under Sections 498A/406/34 IPC. Hence, to secure ends of justice, the FIR bearing No. 0606/2015, registered on 07.07.2015 with Police Station Vivek Vihar, Delhi, under Sections 498A/406/34 IPC and proceedings arising out of the same are hereby quashed.

16. The petition is disposed of.

VINOD GOEL, J.

JULY 28, 2017/jitender