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

+ CRL.M.C. 4884/2016

MOHD HARISH & ORS.

..... Petitioners

Through: Mr.Vijender K. Vats and Mr.Pardeep
Gupta, Advocates with the petitioners
in person.

versus

STATE & ANR.

..... Respondents

Through: Mr.G.M.Farooqui, APP for State with
SI Anil Kumar, P.S. Dabri, Delhi.
Mr.Sher Singh, Advocate for R2 with
R2/complainant in person.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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02.01.2017

Crl.M.A.No.20256/2016 (Exemption)

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 4884/2016

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 671/2014, under Sections 498-A/406/34 IPC, registered at Police Station- Dabri, New Delhi and all subsequent proceedings arising therefrom.

Counsel for the petitioners has submitted that the petitioner No.1 Mohd. Harish was the husband, petitioner No.2 Mohd. Hanif was the father-in-law, petitioner No.3 Noorajahan Vegam was the mother-in-law and petitioner No.4 Mohd. Monish was the brother-in-law of the respondent No.2/complainant Afsana. Counsel further submits that the marriage between the petitioner No.1 and the respondent No.2 was solemnized on

15.02.2009 according to Muslim rites and customs. Counsel further submits that after the marriage, one baby namely Aaliya @ Ainey was born on 17.08.2012 out of the wedlock of the parties and the child is presently living with the petitioner No.1 and the petitioner No.1 is taking care of the child. Counsel further submits that due to misunderstanding, arisen between the parties, the respondent No.2/complainant lodged an FIR No. 671/2014, under Sections 498-A/406/34 IPC at Police Station- Dabri, New Delhi. He has further submitted that after registration of the FIR, the relatives and the friends intervened and the matter has been amicably settled between the parties outside the Court on 01.12.2016. Learned counsel for the petitioners further submits that the marriage between the petitioner No.1 and the respondent No.2 has already been dissolved vide Memorandum of Understanding-cum-Deed of Divorce dated 01.12.2016 and nothing further remains to be adjudicated between the parties. Counsel further submits that as per the terms of the Deed of Divorce, an amount of Rs.9,20,000/- including Mehar of Rs.10,000/- has been paid by the petitioners to the respondent No.2/complainant towards full and final settlement and nothing is due and payable to her. Counsel further submits that since the matter has been amicably settled between the parties, the present FIR is coming as a hurdle in the peaceful life of both the parties and prays that the aforesaid FIR may be quashed.

The respondent No.2/complainant is present in Court today and has been identified by her counsel as well as by the Investigating Officer, SI Anil Kumar, P.S. Dabri, New Delhi. The respondent No.2/complainant also admits that the matter has been amicably settled with the petitioners outside the Court on 1st December, 2016 and has no claim or grievance left against

the petitioners. She further submits that her marriage with the petitioner No.1 has already been dissolved vide Memorandum of Understanding-cum-Deed of Divorce dated 1st December, 2016 as per the Muslim rites and customs. She further admits that as per the settlement, the custody of the minor child Aaliya @ Ainey is with her father i.e. the petitioner No.1 having visiting rights of the natural mother i.e. respondent No.2/complainant. She further admits of receiving of the whole settled amount including mehar amount from the petitioners in terms of the said settlement. The respondent No.2/complainant further submits that she has no objection if the aforesaid FIR is quashed.

Looking into the above facts and circumstances, since the matter has been amicably settled between the parties and the marriage between the petitioner No.1 and the respondent No.2 has already been dissolved as per Muslim rites and customs vide Memorandum of Understanding-cum-Deed of Divorce dated 1st December, 2016 and the custody of the minor child is with the petitioner No.1 having visiting rights of the respondent No.2/complainant, and nothing remains to be adjudicated further, to meet the ends of justice, I deem it appropriate to quash the FIR No. 671/2014, under Sections 498-A/406/34 IPC, registered at Police Station-Dabri, New Delhi and all subsequent proceedings arising therefrom.

The present petition is allowed and stands disposed of accordingly.

Copy of this order be given *dasti*, as prayed.

I.S.MEHTA, J

JANUARY 02, 2017

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