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

+ **W.P. (CRL.) 2299/2017**

SHAHNAWAZ ALI & ORS.

..... Petitioners

Through: Mr. Matloob Alam, Advocate with
petitioner no. 1 in person.

versus

THE STATE & ANR

..... Respondents

Through: Mr. R.S. Kundu, ASC for the State with
SI Arun Kumar, PS Jamia Nagar, Delhi.
Respondent no.2 in person.

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

ORDER
% **11.08.2017**

Crl.M.A. 13017/2017 (exemption)

Exemption allowed subject to all just exceptions.

Application is disposed of.

CRL.M.C. 2299/2017

1. Notice. Learned ASC, who appears on an advance copy having been served, accepts notice.
2. Notice to respondent no. 2 also. She is present in court and accepts notice. She is duly identified by the IO SI Arun Kumar.

3. The petitioner has invoked the writ jurisdiction of this court under Article 226 & 227 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. 1335/2016, registered on 20.12.2016 with Police Station Jamia Nagar, New Delhi under Sections 498A/406/34 IPC on the complaint of respondent no.2.
4. The marriage of the petitioner no. 1 and the respondent no. 2 was solemnized on 27.10.2013 as per Muslim rites and customs at Batla House, Jamia Nagar, New Delhi. Out of this wedlock a male child namely Master Qasim Ali was born on 04.10.2014.
5. Thereafter, the petitioner No.1 and respondent No.2 could not reconcile with each other due to some differences between them. Resultantly, the respondent no.2 left the matrimonial home along with child and she started living with her parents.
6. The petitioner no. 2 and 3 are the parents of the petitioner no. 1. Petitioner no. 4 is the brother of petitioner no. 1 and the petitioner no.5 is the wife of petitioner no. 4.
7. The respondent no. 2 lodged a complaint in CAW Cell which culminated into the said FIR. She had filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short 'DV Act') before the court of learned MM, Mahila Court, South East District, Saket Court, New Delhi.
8. The petitioner No.1 had filed one complaint bearing No.640/2016 under Sections 452/323/504/506 of IPC before the Judicial Magistrate 1st Class, Anola, Bareilly, U.P. against the respondent no.2. He had

also filed a petition for restitution of conjugal rights before the Family Court, Bareilly against the respondent no. 2. He had also filed a Criminal Appeal against the order of learned MM Mahilla Court, Saket, New Delhi, which was pending in the court of learned ASJ, Saket Court, New Delhi.

9. Due to intervention of family members and friends, the petitioners and respondent No.2 has resolved and settled all their disputes. A Memorandum of Settlement dated 15.04.2017 was reduced to writing.
10. As per the settlement, the petitioner No.1 and respondent No.2 had decided to part company of each other. It was also agreed that after the quashing of the said FIR, the petitioner No.1 shall divorce respondent No.2 as per the Muslim customs. The petitioner No.1 had also agreed to pay a sum of Rs.1,50,000/- to respondent no. 2 in full and final settlement of all her claims. It was also agreed that the minor child of petitioner No.1 and respondent No.2 shall remain in custody of respondent No.2. Respondent No.2 had also agreed to withdraw her petition under Section 12 of the D.V. Act from the court of learned MM, Mahila Court, South East District, Saket Courts, New Delhi. The petitioner no. 1 had also agreed to withdraw his complaint case No. 640/2016 from the court of Judicial Magistrate 1st Class. It was also agreed that the petitioner no. 1 shall withdraw his petition for restitution of conjugal rights from Family Court, Bareilly, UP. It was further agreed that the petitioner no. 1 shall withdraw his appeal from the court of learned ASJ, Saket Court, New Delhi.
11. Pursuant to the settlement, the respondent no. 2, present in the court,

states that she had withdrawn her petition under Section 12 of D.V. Act from the court of learned MM, Mahila Court, New Delhi. The petitioner No.1 present in the court states that pursuant to the settlement he had withdrawn his criminal complaint case No.640/2016 from the court of Judicial Magistrate 1st Class. He submits that he had withdrawn his petition for restitution of conjugal rights from Family Court, Bareilly, UP. He further submits that he had withdrawn his appeal from the court of learned ASJ, Saket Court, Delhi.

12. The respondent no. 2 states 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 she has received the entire settlement amount from petitioner No.1. She submits that the FIR may be quashed.
13. The petitioner no. 1 and the respondent no. 2 submit that the minor child namely Master Qasim Ali shall remain in custody of respondent No.2 and petitioner No.1 shall not claim his custody.
14. Both the parties submit that now nothing is due and recoverable by them against each other. In these circumstances, when the matter has been amicably settled between the parties, no purpose would be served in further pursuing with the FIR bearing No.1335/2016, registered on 20.12.2016 with Police Station Jamia Nagar, under Sections 498A/406/34 IPC. Hence, to secure ends of justice, the FIR bearing No.1335/2016, registered on 20.12.2016 with Police Station Jamia Nagar, under Sections 498A/406/34 IPC and proceedings

arising out of the same are hereby quashed.

15. The petition is disposed of.

AUGUST 11, 2017
“sandeep”

VINOD GOEL, J.