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

+ W.P.(CRL) 3064/2017

ANEESH KHAN & ORS. Petitioners

Through: Mr.Yogesh Swaroop & Mr.Alok
K.Palai, Advocate

versus

THE STATE OF NCT OF DELHI & ORS. Respondents

Through: Mr.PremSagar Pal, Advocate for
Mr.R.S.Kundu, ASC for the State
with SI Shailendera Kumar Singh,
PS Gokulpuri, Delhi
Mr.J.M.Akbar, Advocate for R-2

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **08.12.2017**

1. The present writ petition has been filed by the Petitioners under Article 226 of Constitution of India for quashing of FIR No.351/2016, under Sections 498-A/406/34 IPC, P.S. Gokul Puri, Delhi as well as consequential proceedings emanating therefrom on the basis of the settlement arrived at between the parties.

2. Briefly stating the facts of the present case are that Respondent No.2 got married to Petitioner No.1 on 23rd February, 2013 according to Muslim rites and ceremonies. It is further mentioned in the petition that the Petitioner No.1 and Respondent No.2 could not live together due to

temperamental differences and started living separately from last three years. The respondent No.2 filed a criminal complaint against the petitioners which resulted into registration of FIR in question.

3. It is mentioned in the petition that during the pendency of above proceedings, the matter was referred to Mediation Centre, Karkardooma Courts, where parties have amicably resolved the dispute amongst themselves. Copy of mediation settlement dated 18th September, 2017 has been annexed with this petition as Annexure-D.

4. In terms of full and final settlement arrived at between the parties, ₹5 lakh is agreed to be paid by the husband to the wife and ₹2 lakh is agreed to be paid at the time of quashing of the present FIR. Today learned counsel for the Petitioner has handed over to Respondent No.2 two demand draft (i) DD No.501542 dated 7th December, 2017 for a sum of ₹1,60,000/- and (ii) DD No.512728 dated 7th December, 2017 for a sum of ₹40,000/- which the respondent No.2 has accepted. Copy of demand draft has also been placed on record.

5. Respondent No.2 is present in person confirms the receipt of ₹2 lakh from the petitioners vide demand drafts and submits that she has settled the matter with the Petitioners before Mediation Centre, Karkardooma Courts, Delhi. Respondent No.2 further submits that she has no objection if the FIR in question is quashed qua the Petitioners.

6. Learned counsel for the petitioners submits that after the matter in dispute has been amicably settled between the parties, no purpose would be served in prosecuting the petitioners, therefore the FIR in question and criminal proceedings emanating therefrom may be quashed.

7. In view of the legal position laid down in *Gian Singh's case* (Supra) and amicable settlement arrived at between the parties, I am of the considered view that no useful purpose would be served by continuing the criminal proceedings against the petitioners, which will only be an exercise in futile and wastage of precious time of the Court.

8. Accordingly, the petition is allowed and FIR No.351/2016, under Sections 498-A/406/34 IPC, P.S. Gokul Puri, Delhi and consequential proceedings arising therefrom are hereby quashed. The Parties shall abide by the terms and conditions of the full and final settlement arrived at between the parties before Mediation Centre, Karkardooma Court.

Order dasti.

PRATIBHA RANI, J.

DECEMBER 08, 2017
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