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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4609/2017**

MOHD AZAD ALAM & ORS Petitioners
Through: Mr.Kumar Ashish, Advocate

versus

THE STATE GOVT OF NCT OF DELHI & ORS Respondents
Through: Mr.Panna Lal Sharma, APP for State
with SI Brahm Pal, PS Malviya Nagar
Mr.Parvez Alam, Adv for R-2 with
Respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **14.11.2017**

Vide the present petition learned counsel for the petitioner seeks quashing of FIR No.362/15 under Sections 498-A/406/34 IPC, 1860 registered at Police Station Malviya Nagar on the basis of a complaint made by the respondent No.2 Ms.Aisha D/o Mohd. Shareef submitting to the effect that a settlement has been arrived at between the parties in the various court proceedings that have been pending before the learned Metropolitan Magistrate, Saket Court under Section 12 of the Domestic Violence Act and the proceedings of the Family Court Saket under Section 125 of the Cr.P.C.

It has been submitted on behalf of the petitioners and the respondent No.2 that pursuant to the settlement arrived at between the parties, the marriage between the petitioner No.1 and the respondent No.2 has since been dissolved as per the Shariat Law and the

petitioner No.1 has pronounced a divorce to the respondent No.2. Pursuant to the same settlement two minor children, namely, Master Meraj and Master Mohsin Alam are stated to be residing with the petitioner No.1 with visitation rights having been assigned to the respondent No.2. Pursuant to the settlement thereto a total sum of Rs.18,00,000/- was agreed to be paid to the respondent No.2 of which Rs.10,00,000/- has been paid and the balance sum of Rs.8,00,000/- vide a Demand Draft dated 6.11.2017 drawn on Yes Bank vide has been handed over to the respondent No.2 today in Court. A photocopy of the same is on record being Ex.CW-2/B.

The respondent No.2 states that now no claims of hers are left against the petitioners No.1 to 6, namely, Mohd. Azad Alam, Qamruddin Ansari, Sakhina, Mohd.Aftab Alam, Mohd. Mehtab Alam and Shazad Alam and that she has no opposition to the quashing of the FIR in view of the settlement arrived at between the parties.

In view of the settlement arrived at between the parties, the learned APP for the State also does not oppose the prayer of the petitioner seeking quashing of the FIR No.362/15 under Sections 498-A/406/34 IPC, 1860 registered at Police Station Malviya Nagar.

In view of the statement made by the respondent No.2 duly identified by the Investigating Officer, the settlement arrived at between the parties and the factum that the marriage between the petitioner No.1 and the respondent No.2 has already been dissolved coupled with the aspect that the respondent No.2 has the visitation rights qua the two minor children, no fruitful purpose would be served in continuing with the proceedings qua the FIR No.362/15 under

Sections 498-A/406/34 IPC, 1860 registered at Police Station Malviya Nagar and all other proceedings emanating therefrom.

In view thereof, the FIR No.362/15 under Sections 498-A/406/34 IPC, 1860 registered at Police Station Malviya Nagar against all the petitioners,i.e., the petitioners No.1 to 6 Mohd. Azad Alam, Qamruddin Ansari, Sakhina, Mohd.Aftab Alam, Mohd. Mehtab Alam and Shazad Alam and all the proceedings emanating therefrom are quashed.

The petition is disposed of accordingly.

ANU MALHOTRA, J

NOVEMBER 14, 2017/sv

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 63

Crl. M.C. 4609/2017

MOHD. AZAD ALAM & ORS. Vs. STATE & ANR.

14.11.2017

**CW-1 Statement of SI BRAHMPAL SINGH, POLICE STATION
MALVIYA NAGAR**

On S.A.

I identify both, the petitioners No.1 Mohd. Azad Alam, Qamruddin Ansari, Sakhina, Mohd.Aftab Alam, Mohd. Mehtab Alam and Shazad Alam and the respondent No.2 Aisha present in Court today.

The marriage between the petitioner No.1 Mohd. Azad Alam and the respondent No.2 Aisha D/o Mohd. Shareef, has already been dissolved. I am aware of the settlement arrived at between the petitioners and the respondent No.2.

**RO & AC
14.11.2017**

ANU MALHOTRA, J

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CW-2 Statement of Ms.Aisha, D/o Mohd. Shareef, Aged 37 years R/o 177A, Hauz Rani, Malviya Nagar, New Delhi.

On S.A.

I have brought my original identity card, i.e., Aadhar Card bearing No.976643003601, a photocopy of which is Ex.CW-2/A (original seen & returned).

The marriage between me and the petitioner No.1 Mohd.Azad Alam, s/o Qamruddin has since been dissolved on 23.11.2014 and pursuant thereto the two minor children born out of the wedlock, namely, Master Meraj and Master Mohsin Alam are in the custody of the petitioner No.1 and I have the visitation rights with them pursuant to the settlement between me and the petitioner Nos. 1 to 6.

I have already received a sum of Rs.10,00,000/- from the petitioner No.1 and the balance sum of Rs.8,00,000/- has been received by me from the petitioner today in Court vide DD No.275341 dated 6.11.2017 drawn on Yes Bank, Chanakyapuri, New Delhi. The photocopy of the same is on the record is Ex.CW-2/B. Now there are no claims of mine left against the petitioners.

In have no opposition to FIR No. 362/15, under Sections 498-A/406/34 IPC, 1860 Police Station Malviya Nagar being quashed against the petitioners No.1 to 6, namely, Mohd. Azad Alam, Qamruddin Ansari, Sakhina, Mohd.Aftab Alam, Mohd. Mehtab Alam and Shazad Alam and I

do not seek any further proceedings against them in relation to the said FIR.

I have made this statement voluntarily of my own accord without any duress, coercion or pressure from any quarter.

RO & AC
14.11.2017

ANU MALHOTRA, J