

\$~48

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

+ W.P.(CRL) 3361/2017

SHAFIQL @ MUNNA & ORS

.... Petitioners

Represented by: Ms.Lavisha Kamra, Advocate

versus

STASTE (NCT OF DELHI) & ANR

.... Respondents

Represented by: Mr.R.S.Kundu, ASC for the
State with W/ASI Sangeeta, PS
Seema Puri
Mr.Kuldeep Kr,Gaur, Advocate

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

30.11.2017

%

1. By the present petition the petitioners seek quashing of FIR No.1046/2016 under Sections 498-A/406/34 IPC and Section 4 of the Dowry Prohibition Act, registered at PS Seema Puri on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter. Learned Additional Standing Counsel on instructions from the Investigating Officer submits that in the above noted FIR the five petitioners are the only accused and the respondent No. 2 is the only complainant.

2. The complainant/Respondent No. 2 Ms.Rasida Naaz, who is present in Court and is identified by the learned counsel and the Investigating Officer states that she has settled the matter with the petitioners. In terms of the settlement Memorandum of Understanding/Talaqnama dated 27th

October, 2017 in lieu of all her claims, i.e. mehar, dower, alimony, maintenance, streedhan, dowry articles etc. Respondent No.2 was to receive a total sum of ₹1,50,000/- out of which she has already received ₹1,00,000/- and the balance payment of ₹50,000/- has been received by her today in Court vide Demand Draft No.007599 dated 21st November, 2017 drawn on Bank of Maharashtra, Sonapat, Haryana. Respondent No.2 states that Talaq has already been pronounced between the petitioner No.1 and respondent No.2. She further states that now she has no claim whatsoever remaining against the petitioners and she does not want to pursue the abovementioned FIR and the proceedings pursuant thereto and will abide by the terms of the MOU/Talaqnama dated 27.10.2017.

3. Petitioners who are present in Court and are identified by learned counsel affirm the statement of respondent No.2 and state that they will abide by the terms of the MOU/Talaqnama dated 27.10.2017 arrived at between the parties copy whereof is at pages 45 to 48 of the paper book.

4. In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, rather the same would create further acrimony between them, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

5. Consequently, FIR No. 1046/2016 under Sections 498-A/406/34 IPC and Section 4 of the Dowry Prohibition Act, registered at PS Seema Puri, Delhi and proceedings pursuant thereto are hereby quashed without returning any finding on the validity of the talaq between the parties.

6. Parties have signed this order sheet in acknowledgment of their statements made before this Court.
7. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

NOVEMBER 30, 2017

rk