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

+ **W.P.(CRL) 3576/2017**

IRFAN HUSSAIN & SHANU & ORS Petitioners

Through: **Mr.H.Rehman & Mr.Raj Kumar,**
Advocates with petitioners in person

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents

Through: **Ms.Purnima Malik, Advocate for**
Mr.Avi Singh, ASC for the State with
ASI Upkar Sharma PS Jafrabad
Respondent No.2 in person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **20.12.2017**

CRL.M.A.21160/2017

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 3576/2017

1. By way of present petition filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C., the petitioners are seeking quashing of case FIR bearing No.273/2015 under Sections 498-A/406/34 IPC, P.S. Zafrabad, Delhi and all the proceedings arising therefrom.

2. Brief facts leading to filing of this petition are that marriage between petitioner No.1 and respondent No.2/complainant was solemnized on 22nd November, 2009 at Delhi according to Muslim rites and ceremonies. It is

stated in the petition that after the marriage the parties lived together as husband and wife and out of the said wedlock, two children were born. However, due to temperamental differences they could not live together and started living separately. Thereafter, the respondent No.2 filed a written complaint to the Incharge, CAW Cell (North-East), Nand Nagri, Delhi-110093 on the basis of which FIR in question was registered against the petitioners. Thereafter, respondent No.2 also filed an application under Section 12 of Protection of Women from Domestic Violence Act and Section 125 Cr.P.C. against the petitioners.

3. It is also stated that during the pendency of above proceedings, both the parties with the intervention of respectable persons of the society amicably settled their disputes vide Compromise Deed dated 20th May, 2015. Copy of the Compromise Deed is annexed as Annexure P-2 to the present petition.

4. Counsel for the petitioners submits that the petitioner No.1 and the respondent No.2 have amicably resolved their dispute with the intervention of respectable persons of the society and that the petitioner No.1-husband and respondent No.2-wife have now once again started living together and they were blessed with another male child. He further submits that since they are taking care of all their three children, no useful purpose would be served by continuance of criminal proceedings against the petitioners. Counsel thus prays for quashing of the FIR and all subsequent proceedings arising out of said FIR qua the petitioners.

5. Respondent No.2 is present in Court today and she also confirms the factum of amicable settlement with the petitioners. She submits that she has now started living together with the petitioner No.1 and she has no grievance

left against the petitioners. She further submits that she has no objection if the FIR in question and all subsequent proceedings arising out of the same are quashed.

6. In view of the aforesaid amicable settlement arrived at between the parties, particularly the fact that the parties are living together happily with their children, I am of the considered view that no useful purpose would be served by continuing with the FIR/ criminal proceedings against the petitioners, which will only be an exercise in futility and wastage of precious time of the Court.

7. Accordingly, the petition is allowed and FIR bearing No.273/2015 under Sections 498-A/406/34 IPC, P.S. Zafrabad, Delhi and all the proceedings arising therefrom are hereby quashed, leaving the parties to bear their own costs.

PRATIBHA RANI, J.

DECEMBER 20, 2017

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