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

+ **W.P.(CRL) 711/2018**

ABDUL JABBAR ALI & ORS

..... Petitioner

Represented by: Mr. Sumit Choudhary, Mr.
Kanwar Kochhar, Advs.

versus

THE STATE & ANR

..... Respondent

Represented by: Mr. Rajesh Mahajan, ASC with
Ms. Jyoti Babbar, Adv. with SI
Dev Raj PS Bharat Nagar.
Mr. Javed Akhtar, Adv. for R-2
with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

13.04.2018

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By the present petition the petitioners seek quashing of FIR No. 67/2018 under Sections 498A/406/506/313/323/504/34 IPC registered at PS Bharat Nagar, Delhi 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 for the State on instructions from Investigating Officer submits that in the above-noted FIR the seven petitioners are the only accused and respondent No.2 the only complainant/victim.

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Respondent No. 2 is present in Court and is identified by the learned counsel. She states that she has settled the matter with the petitioners vide the settlement agreement dated 27th February, 2018 which has been noted as Talaznama/ Mubarat. Respondent No.2 states that in terms of the settlement she has to receive a sum of ₹13 lakhs in lieu of all her claims of istridhan, jewellery, compensation, damages, iddat, mehtar, etc., out of which she has already received a sum of ₹7 lakhs and the balance amount of ₹6 lakhs has been received by her today in court by way of demand draft No. '001901' drawn on HDFC Bank. She further states that from the wedlock of petitioner No.1 and respondent No.2 a minor child Faizah Naaz was born and the terms of custody and visiting rights of Faizah Naaz has been decided by Clause 14 of the settlement agreement. Respondent No.2 states that she would abide by the terms of the settlement and she does not wish to pursue the above-noted FIR and the proceedings pursuant thereto.

Petitioners who are present in Court and are identified by the learned counsel affirm the statement of respondent No.2 and undertake to abide by the terms of settlement.

Petitioner No.1 and respondent No.2 further state that if at any stage in the interest of child some modification is required in terms of the settlement qua the custody and visiting rights of the parties, they will approach the Court for modification of the same and each one will cooperate with the other so that both the parties have ample visiting rights when the child is in the custody of other party.

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.

Consequently, without commenting on the validity of the Talaq between the parties, FIR No. 67/2018 under Sections 498A/406/506/313/323/504/34 IPC registered at PS Bharat Nagar, Delhi and proceedings pursuant thereto are hereby quashed.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of.

Order dasti to both the parties.

MUKTA GUPTA, J.

APRIL 13, 2018
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