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

+ **CRL.M.C. 1536/2018**

MOHD ABU MUZAFFAR

..... Petitioner

Through : Mr Raj Kumar Rajpur with Mr Ajit
Rajput, Advocates with petitioner in
person.

versus

THE STATE & ANR

..... Respondent

Through : Mr Akshai Malik, APP.
SI Babulal, PS Jamia Nagar.
Mr M.Hasibuddin, Advocate for R-2
with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **23.03.2018**

Crl.M.A.5572/2018(exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 1536/2018

1. By this petition, petitioner seeks quashing of FIR No.48/2015, under Sections 498A/406 IPC, Police Station Jamia Nagar, based on a Settlement.
2. The subject FIR emanates out of a matrimonial discord. Petitioner is the husband of respondent No.2
3. Parties have settled their dispute before the Delhi High Court

Mediation & Conciliation Centre. The Settlement Agreement dated 18.05.2016 has been executed between the parties. Parties have already divorced in accordance with the Muslim Law.

4. By way of settlement, a total sum of Rs.15,00,000/- was agreed to be paid to respondent No.2 and the minor child towards full and final settlement of all her claims. A sum of Rs.5 lakhs has already been paid and balance amount of Rs.10,00,000/- has been paid by way of a Fixed Deposit Receipt in the name of the minor child of the parties.

5. As per the Settlement, the said amount of Rs.10 lakhs is to remain in the Fixed Deposit till the minor child attains majority. The child was born on 02.10.2012. The Fixed Deposit Receipt has been issued by the Punjab National Bank in the name of the minor child under guardianship of respondent No.2. The same has been handed over to respondent no.2 in the Court today. There is an endorsement on the Fixed Deposit Receipt by the Bank “that no pre-mature cancellation is allowed till the minor child attains majority” in accordance with the Settlement between the parties.

6. Respondent No.2 is present in Court in person, is represented by the counsel and is identified by the Investigating Officer. She confirms that the settlement has taken place and further that she does not wish to press her complaint any further.

7. In view of the above and keeping in view of the fact that the FIR emanates from matrimonial discord and the parties have arrived

at a Settlement before the Delhi High Court Mediation & Conciliation Centre and the marriage between the parties has been dissolved in accordance with the Muslim Law. The Settlement Agreement dated 18.05.2016 has been executed between the parties and respondent No. 2 does not wish to press her complaint, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. It would be expedient to quash the subject FIR and the consequent proceedings emanating therefrom.

8. Accordingly FIR No.48/2015, under Sections 498A/406 IPC, Police Station Jamia Nagar, and the consequent proceedings emanating therefrom are hereby quashed.

8. Order Dasti under signatures of Court Master.

SANJEEV SACHDEVA, J

MARCH 23, 2018

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