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

+ **CRL.M.C. 1644/2018**

IMRAN ELAHI & ORS

..... Petitioners

Through Mr. Saurabh Jhamb with Mr. Abbas
Khan, Advocates with petitioners in
person.

versus

THE STATE GOVT OF NCT OF DELHI & ANR..... Respondents

Through Mr. Mukesh Kumar, APP for the
State.
Mr. Mujeeb Ahmed, Advocate for R-
2.
SI Denesh Kumar, PS Welcome.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **05.04.2018**

Crl.M.A.5934/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 1644/2018

1. The petitioners seek quashing of FIR No.66/2010 under Sections 498-A/406/34 IPC and Section 4 of Delhi Police Act, Police Station Welcome.

2. The subject FIR emanates out of matrimonial discord. Petitioner No.1 is the husband of respondent No.2. Petitioner No.2 is the mother of the petitioner No.1. Petitioner Nos.3 and 4 are the

brothers of the petitioner No.1.

3. Learned counsel for the petitioners submits that the parties have entered into a settlement agreement dated 15.02.2014 through the process of mediation, held at Delhi Mediation Centre, Karkardooma Courts, Delhi. The divorce between the parties has already taken place in accordance with Muslim Rites and Customs on 23.04.2015.

4. The respondent No.2 was to be paid a total sum of Rs.50,000/- in full and final settlement of all her claims including Mehar. A sum of Rs.25,000/- has already been paid. The balance sum of Rs.25,000/- has been paid to the respondent No.2 in cash today in Court.

5. It is agreed that the permanent custody of the minor child born out of the wedlock is to remain with the respondent No.2. The petitioner No.1, who is present in Court in person, undertakes that he shall not claim any rights contrary to the settlement agreement between the parties. The undertaking is accepted.

6. The respondent No.2 is present in person, represented by counsel and is identified by the Investigating Officer. She submits that she has settled her disputes with the petitioners and does not wish to press charges against the petitioners and prosecute the complaint any further.

7. In view of the fact that the proceedings emanate out of a matrimonial discord and the parties have fully and finally settled their

disputes and the respondent No.2 has stated that she does not wish to press the complaint any further and the fact that the divorce between the parties has already taken place in accordance with Muslim Rites and Customs on 23.04.2015, 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. In view of the above, FIR No.66/2010 under Sections 498-A/406/34 IPC and Section 4 of Delhi Police Act, Police Station Welcome and the consequent proceedings emanating there from are quashed.

9. Order *Dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J

APRIL 05, 2018
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