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

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Judgment delivered on: 09.07.2018

+ CRL.M.C. 3339/2018

SHIRAZ AHMED

..... Petitioner

versus

STATE & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Simon Benjamin and Mr. Vipin Mittal, Advs.

For the Respondent: Ms. Neelam Sharma, Addl. PP for the State with SI
Ashwani, P.S. Jyoti Nagar.

Mr. S.A. Khan, Adv. for Respondent No.2 with
Respondent No. 2 in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT
09.07.2018

SANJEEV SACHDEVA, J. (ORAL)

CrI.M.A.12107/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 3339/2018 & CrI.M.A.12106/2018

1. The petitioners seek quashing of FIR No. 94 of 2013 under Sections 498A/406/34 of the IPC read with Section 4 of the Dowry Prohibition Act at Police Station Jyoti Nagar, Delhi, based on a settlement. It is contended that the FIR was lodged consequent to a

matrimonial discord.

2. Learned counsels for the parties submit that the parties have settled their disputes and have amicably dissolved their marriage by mutual consent and decree of divorce as per Muslim law has been passed. It is further submitted on behalf of the parties that parties had entered into the settlement before the Counselling Cell of the Family court, Karkardooma, Shahdara, Delhi on 09.11.2017.

3. As per the settlement, a total sum of Rs. 3,50,000/- was agreed to be paid to respondent no. 2. The amount of Rs. 2,65,000/- has already been paid to respondent no. 2. The balance amount of Rs.85,000/- has been paid by way of cash which is accepted by respondent No.2.

4. Respondent no. 2 who is present in court in person and is identified by the counsel. She confirms that she has received the entire sum of Rs. 3,50,000/- from the petitioner. Respondent no. 2 submits that she has settled the dispute with the petitioner and is agreeable to the settlement and does not wish to press the criminal charges against the petitioner any further.

5. It is submitted by the parties that in terms of the settlement, the proceedings which were initiated by respondent No.2 under the Domestic Violence Act have already been withdrawn as settled.

6. As per the agreement, the permanent custody of the minor child

shall remain with the respondent No.2. The petitioner who is present in Court in person undertakes that he shall no claim rights contrary to the settlement terms. The undertaking is accepted.

7. In view of the fact that disputes between the petitioner and respondent no. 2 emanate out of a matrimonial discord and have been settled, 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 there from.

8. In view of the above, the petition is allowed. FIR No. 94 of 2013 under Sections 498A/406/34 of the IPC read with Section 4 of the Dowry Prohibition Act at Police Station Jyoti Nagar, Delhi, and the consequent proceedings there from are, accordingly quashed.

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

SANJEEV SACHDEVA, J

JULY 09, 2018

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