

\$~64

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

%

Judgment delivered on: 19.07.2018

+ CRL.M.C.3540/2018

TOSIF AHMAD & ORS.

..... Petitioners

versus

THE STATE (NCT OF DELHI) & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr.Vipin Arora, Adv.

For the Respondent: Mr.Panna Lal Sharma, Addl. PP for
the State with SI Dinesh Kumar, P.S.Welcome.
Mr.Dilshad Ali, Adv. for R-2.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

19.07.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A.28035/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C.3540/2018

1. The petitioners seek quashing of FIR No. 467 of 2015 under Sections 498A/406/34 of the IPC & Section 4 of the Dowry Prohibition Act at Police Station Welcome, Delhi, based on a settlement. It is contended that the FIR was lodged consequent to a matrimonial discord.

2. As per the settlement, a total sum of Rs. 4,00,000/- besides Rs.30,000/- towards *meher* and Rs.12,000/- on account of *Iddat* period was agreed to be paid to respondent no. 2. The said amount has been paid which is acknowledged by respondent No.2 who is present in Court in person.

3. Learned counsels for the parties submit that the parties have settled their disputes and have amicably dissolved their marriage by mutual consent and have already been divorced as per the Shariat Law. It is further submitted on behalf of the parties that parties had entered into the settlement before the Mediation Centre, Karkardooma Courts, Delhi dated 22.07.2017.

4. As per the settlement the minor child shall remain in the permanent custody of respondent No.2. The petitioners who are present in Court undertake that they shall not claim any rights contrary to the settlement terms.

5. Learned counsels for the parties inform that other disputes between the parties have also been resolved and proceedings have been concluded on the basis of the subject settlement.

6. Respondent no. 2 is present in court in person, represented by counsel and is identified by the IO. Respondent no. 2 submits that she has settled the dispute with the petitioners and is agreeable to the settlement and does not wish to press the criminal charges against the

petitioners any further.

7. In view of the fact that the disputes between the petitioners 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. 467 of 2015 under Sections 498A/406/34 of the IPC & Section 4 of the Dowry Prohibition Act at Police Station Welcome, Delhi, and the consequent proceedings there from are, accordingly quashed.

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

JULY 19, 2018

rk

SANJEEV SACHDEVA, J