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

+ CRL.M.C. 5163/2014

MOHD ISLAM KHAN & ORS

..... Petitioner

Through Mr.Masood Hussain with Mr.Arjun Hooda, Advs.

versus

TABASSUM & ORS

..... Respondent

Through Mr.Sunil Tiwari, Adv for R-1.
Ms.Manjeet Arya, APP with SI Kamlesh, P.S Sagarpur for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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04.12.2018

1. At the outset, learned counsel for the petitioners makes an oral request for the exemption from personal appearance of the petitioner nos.2 and 3 on the ground that they are aged and could not travel to Delhi as they are permanent residents of Bareilly, Uttar Pradesh. The request is not opposed.

2. Accordingly, at the oral request of the learned counsel for the petitioners and in view of the fact that the petitioner no.1, son of the petitioner nos.2 & 3 is present in Court, the petitioner nos.2 & 3 are exempted from personal appearance before the Court.

3. Vide the present petition under Section 482 Cr.P.C, the petitioners seek quashing of FIR No.124/2012 u/s 498A/406/34 IPC registered at P.S. Sagar Pur, Delhi and all proceedings emanating

therefrom, based on a settlement dated 02.09.2014 arrived at between the parties under the aegis of the learned Family Court, Dwarka.

4. Learned counsel for the petitioners submits that the marriage between the petitioner no.1 and the respondent no.1 was solemnised on 22.06.2003 as per Muslim rites and ceremonies and they were blessed with a baby boy, namely Master Sabnan Khan, on 18.09.2004. However, due to temperamental differences, they could not adjust with each other and, therefore, started living separately w.e.f. 29.05.2010. As a result thereof, the respondent no.1 had filed a complaint against the petitioners leading to the registration of the aforesaid FIR.

5. Learned counsel for the petitioners submits that the parties have now resolved all their disputes and have arrived at a settlement on 02.09.2014 under the aegis of the learned Family Court, Dwarka, as per which, the petitioner no.1 and the respondent no.1 have decided to amicably part ways. Pursuant thereto, the marriage between the petitioner no.1 and respondent no.1 stands dissolved by the execution of a Talaq Nama dated 14.10.2014. Furthermore, the entire agreed amount of Rs.2,70,000/- has already been paid to the respondent no.1. He further submits that the petitioners are willing to bear any costs that may be directed by this Court and, therefore, prays that the aforesaid FIR and all consequential proceedings be quashed.

6. The petitioner no.1 as also the respondent no.1 are present in Court and have been identified by the Investigating Officer. The respondent no.1 is also represented by a counsel. I have also interacted with the respondent no.1, who states that she has decided to

resolve her differences with the petitioners of her own free will and has entered into the settlement dated 02.09.2014 without any coercion. She also states that she has received the entire agreed amount and since the marriage between her and the petitioner no.1 stands dissolved, she also does not want the criminal proceedings to continue as she wants to move on in life.

7. I have considered the submissions of the learned counsel for the parties and perused the record. Keeping in view the fact that the present FIR emanates from a matrimonial dispute which now stands resolved between the parties, no useful purpose will be served in continuing the criminal proceedings, especially when the parties themselves want to move on in life. The ends of justice demand that the captioned FIR and consequential proceedings be quashed.

8. For the aforesaid reasons, subject to the petitioners remitting a sum of Rs.50,000/- as costs in the account of the minor child, Master Sabnan Khan, account no.20213726747, State Bank of India, Nangal Raya, New Tihar Jail, Delhi within eight weeks, the petition is allowed and the captioned FIR and all consequential proceedings are quashed. Proof of remission of costs will be handed over to the Investigating Officer for production before the learned Trial Court.

9. The petition is disposed of in the above terms.

REKHA PALLI, J

DECEMBER 04, 2018

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