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

+ W.P.(CRL) 2673/2018

MAJAHARUL ANSARI & ANR.

..... Petitioners

Represented by: Mr. Chandra Shekhar,
Advocate.

versus

THE STATE GOVT OF NCT OF DELHI & ANR. Respondents

Represented by: Mr. Ashish Aggarwal, ASC
with SI Ashish Kumar, PS
Bhajanpura.
Ms. Shyamla Pal, Advocate.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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10.09.2018

1. By this petition, the petitioners seek quashing of FIR No.107/2017 under Sections 498A/406/34 IPC registered at PS Bhajan Pura, Delhi on the complaint of respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.
2. Learned Additional Standing Counsel for the State on instructions submits that in the above noted FIR the two petitioners are the only accused and the respondent No.2 is the only complainant/victim.
3. Respondent No.2 who is present in Court and is identified by the learned counsel and the Investigating Officer states that she has settled the matter with the petitioners terms whereof recorded in divorce deed, copy

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whereof is annexed at pages 59 to 63 of the paper book. In terms of the settlement, talaq has been pronounced between the parties. As full and final settlement of all the claims, that is, maintenance, streedhan, meher, iddat and alimony etc. of the respondent No. 2, the petitioner No.1 has to pay a sum of ₹4,00,000/- to respondent No.2 out of which she has already received a sum of ₹2,00,000/- and the balance amount of ₹2,00,000/- has been received by her today in Court vide Demand Draft Nos. 329719 and 329728 dated 27th August, 2018 and 29th August, 2018 respectively drawn on State Bank of India. She states that from the wedlock, a minor daughter, namely, Nusrat Khan was born on 28th July, 2015 who will remain in her care and custody and the petitioners would not have the visiting rights. She further states that she has now no claim whatsoever remaining against the petitioners. In terms of the settlement she does not want to pursue the abovementioned FIR and the proceedings pursuant thereto. She also undertakes to abide by the terms of settlement.

4. Petitioners who are present in Court and are identified by the learned counsel affirm the statement of respondent No.2 and undertake to abide by the terms of settlement arrived at between the parties.

5. In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, rather the same would create further acrimony between them, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

6. Consequently, FIR No.107/2017 under Sections 498A/406/34 IPC registered at PS Bhajan Pura, Delhi and proceedings pursuant thereto are hereby quashed without this Court making any observation on the validity of the talaq between the parties.

7. Parties have signed this order sheet in acknowledgment of their statements made before this Court.

8. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

SEPTEMBER 10, 2018
‘yo’