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

+ W.P.(CRL) 2938/2017

SADDAM MALIK & ORS

..... Petitioners

Through : Mr.Javed Ali with Mr.Akash and Mr.Lalit
Sharma, Advocates.

versus

THE STATE GNCT OF DELHI & ANR

..... Respondents

Through : Mr.Ashish Negi, ASC.

Ms.Megha Bahl, *Amicus Curiae* for the
complainant/R-2 along with R-2 present in
person.

ASI Bhupender Singh, PS Khajoori Khas.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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10.01.2018

1. Present petition under Article 226/227 of the Constitution of India r/w Section 482 Cr.P.C. has been filed by the petitioners for quashing of FIR No.630/2015 under Sections 406/498-A/34 IPC and Section 4 of Dowry Prohibition Act registered at Police Station Khajuri Khas. It is stated that the matter has been settled with the complainant amicably.

2. Vide order dated 31.10.2017, this Court noticed that there was a child Ms.Subhana, aged around five years, born out of the wedlock. The child was in the complainant's custody. It was further noted that

the rights of the child for her maintenance, education as well as towards affection of both the parties were not fully addressed in the settlement arrived at between the parties. Learned counsel for the parties sought time to obtain instructions and find a solution to this important aspect as well. The matter was adjourned to 10.11.2017. On 10.11.2017, the learned *Amicus curiae* handed over brief submissions which were taken on record. Learned counsel for the petitioners sought time to obtain instructions regarding making provisions of maintenance and upbringing of the minor, baby Subhana. The matter was adjourned to 15.12.2017. Again, the petitioner sought more time to get fresh instructions.

3. Today, the learned counsel for the petitioners expressed inability of the petitioners to make any provision for the maintenance, education and other expenses of the child.

4. Since there is no bonafide on the part of the petitioners to make specific provision for the welfare of the minor child, aged around five years, the compromise entered into between the parties cannot be accepted.

5. The present FIR can't be quashed and the writ petition is dismissed.

S.P.GARG, J.

JANUARY 10, 2018/sa