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

+ **CRL.M.C. 5335/2017**

NIZAM KHAN @ RAHUL & ORS. Petitioners

Through: Mr. Sudhir Tewatia, Adv.
for petitioner Nos. 1 to 5.
Petitioner Nos. 1 to 5 in person.

versus

STATE & ANR. Respondent

Through: Mr. Kamal Kumar Ghei, APP for State
Mr. Sartaj Ahmed Khusnuma, Adv. for
respondent No.2 along with Ms. Roshni,
Respondent No.2 in person.
IO Azad Singh, PS Ranhola.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% 28.02.2018

Vide the present petition, the petitioner seeks quashing of FIR No. 621/2015, PS Ranhola, Delhi, under Sections 498A/406/34 Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties voluntarily and all the disputes between them have been amicably resolved and that the marriage between the petitioner and respondent No.2 pursuant to a settlement arrived at the Delhi Mediation Centre, Dwarka Courts, Delhi on 20th July, 2017 has been dissolved

The Investigating Officer of the case, SI Azad Singh, PS Ranhola is present in the court and identifies the petitioner Nos. 1 to 5 as being the accused of the said FIR No. 621/2015, PS Ranhola, Delhi, under Sections 498A/406/34 Indian Penal Code, 1860 and

identifies the respondent No.2 i.e. the complainant of the said FIR No. 621/2015, PS Ranhola, Delhi, under Sections 498A/406/34 Indian Penal Code, 1860, who is present in person in the Court. The respondent No.2 on her examination by the Court on oath has testified to having sworn her affidavit annexed to the petition Ex.CW2/C, the Mediation Settlement Ex.CW2/B at Mediation Centre at Dwarka Courts on 20th July, 2017 voluntarily of her own accord and without any duress or coercion from any quarter and respondent No.2 affirms the factum of the divorce between herself and the petitioner No.1 vide the divorce decree dated 19.9.2017 and testifies to the settlement arrived at between her and the petitioner No.1 pursuant to which a sum of Rs.3,50,000/- was to be paid by the petitioners to her, out of which she states a sum of Rs.2,00,000/- has been received by her previously and the balance sum of Rs.1,50,000/- has been handed over to her today in the Court by the petitioner by way of a demand draft bearing No.506456 dated 21.2.2018 drawn on the Oriental Bank of Commerce, copy of which is exhibited as Ex.CW2/A. Inter alia the respondent No.2 has testified to the effect that in view of the settlement arrived at between the parties, she does not want the petitioners Nos. 1 to 5 to be punished and she has no opposition to the quashing of the FIR No.621/2015, PS Ranhola, Delhi, under Sections 498A/406/34 Indian Penal Code, 1860.

In view of the deposition of the respondent No.2, identification of the petitioners and the complainant by the Investigating Officer and taking into account the factum of dissolution of the marriage between the petitioner No.1 and the respondent No.2 on 19.9.2017 and the mediation settlement arrived at on the record indicated to have been

adhered to on behalf of the parties and it having been testified by the respondent No.2 that no claim of hers is left against the petitioner and she does not oppose the prayer made by the petitioners seeking quashing of the FIR No. No. 621/2015, PS Ranhola, Delhi, under Sections 498A/406/34 Indian Penal Code, 1860 in view of the settlement arrived at between the parties and the factum that she is fairly educated and has stated that she is studying in the final year, and as the learned APP for the State also in the circumstances of the case does not oppose the prayer made by the petitioners seeking quashing of the FIR No. 621/2015, PS Ranhola, Delhi, under Sections 498A/406/34 Indian Penal Code, 1860 in view of the settlement arrived at between the parties, in view of the deposition of the respondent no. 2 and as there appears no reason to disbelieve the statement made by the respondent no. 2 that she has arrived at the settlement voluntarily of her own accord without any duress or coercion from any quarter, thus to maintain peace and harmony between the parties and for the well being of the respondent no. 2 in as much as the respondent no. 2 has submitted that she does not want the petitioners to be punished in relation to the said FIR and in view of the settlement arrived at between the petitioner No.1 and the respondent no. 2, it is apparent that the scope of conviction is now bleak and it is thus considered appropriate in the interest of justice that the prayer made by the petitioners seeking quashing of the FIR No. 621/2015, PS Ranhola, Delhi, under Sections 498A/406/34 Indian Penal Code, 1860 and all consequential proceedings emanating therefrom is allowed and thus the FIR No. 621/2015, PS Ranhola, Delhi, under Sections 498A/406/34 Indian Penal Code, 1860 and all

consequential proceedings emanating therefrom against the petitioners are quashed.

The petition is disposed of.

ANU MALHOTRA, J

FEBRUARY 28, 2018

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CRL.M.C. 5335/2017

NIZAM KHAN @ RAHUL & ORS

Vs. STATE (GOVT OF NCT OF DELHI) & ANR.

Statement of CW1/D : Smt. Roshni, d/o Shri Multaj Ahmed, aged 32 years, r/o 764, JJ colony, Pankha Road Janakpuri, New Delhi.

ON S.A.

The marriage between me and petitioner No.1 has been dissolved vide talaqnama dated 19.9.2017 pursuant to settlement arrived on 20th July, 2017 at Mediation Centre, Dwarka Court. As per the settlement arrived at between me and the petitioner No.1 Rs. 3.50 was to be paid to me by the petitioner of which a sum of Rs.2 lacs has been received by me and the balance amount of Rs.1.50 lacs has been handed over to me by the petitioner no.1 today itself in the court by demand draft bearing No.506456 dated 21.2.2018 in my favour drawn on Oriental Bank of Commerce. Photocopy of which is Ex.CW2/A. There are no claims of mine left against the petitioners now.

I do not oppose the prayer made by the petitioner Nos. 1 to 5 seeking quashing of the FIR No.621/2015, registered at PS Ranhola, Delhi under Sections 498A/406/34 Indian Penal Code, 1860 in view of the settlement arrived at between me and the petitioner nos. 1 to 5 nor do I want the petitioner nos. 1 to 5 to be punished in relation thereto.

I am studying in the final year.

Mediation Settlement dated 20th July, 2017 bears my signatures at each page at point-A on Ex. CW2/B. The Talaqnama bears my signature at point A on Ex. CW2/C. My affidavit annexed thereto bears my signature at points A and B on Ex CW2/C. I have signed all these documents voluntarily of my own accord without any duress, pressure or coercion from any

quarter.

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Vs. STATE (GOVT OF NCT OF DELHI) & ANR.

Statement of IO SI Mr. Azad singh, PS Ranhola, Delhi.

ON S.A.

I identify petitioner no. 1, Nizam Khan @ Rahul S/o Sh. Ayub Khan, petitioner No.2 Smt. Kamarjahan w/o late Sh. Mohd. Ayub, petitioner No.3 Sh. Makbul Khan s/o late Sh. Ayub Khan, petitioner No.4 Sakila Khatun d/o Sh. Mohd. Ayub & petitioner No.5 Smt. Madhu w/o Sh. Makbul Khan as being the accused in relation to FIR No.621/2015, registered at PS Ranhola, Delhi under Sections 498A/406/34 Indian Penal Code, 1860 and I also identify respondent No.2 Ms.Roshni D/o Sh. Multaj Ahmed who is present in person. Adhar Card of the petitioner No.2 bearing No.4991 1322 1442 copy of the same be filed. Election commission Card of petitioner No.2 photocopy of which is Ex.CW1/A, Adhaar Card of Ms. Kamli Khatoon bearing No. 3479 5640 4652 is stated to be of the same person. The petitioner No.5 has produced her original Aadhar Card photocopy of which is on the record as Ex.CW1/C.

ANU MALHOTRA, J

RO & AC

FEBRUARY 28, 2018