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

+ **CRL.M.C. 479/2019**

MOHD IFTEKHAR CHOUDHARY & ORS Petitioners
Through **Mr.Kunwar Anish Ali, Advocate**

versus

THE STATE(GOVT OF NCT OF DELHI) & ORS Respondents
Through **Ms.Meenakshi Dahiya, APP for State**
Mr.Hari Shanker, Advocate,
SI Sitaram, PS New Usmanpur

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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26.02.2020

CRL.M.C. 479/2019

Ld. APP for the State states that pursuant to the directions given by this court vide order dated 13.12.2019, the factum of the divorce under Muslim Law has been verified, as mentioned in the status report dated 24.02.2020. The divorce between the parties was pronounced on 12.07.2018 in the presence of two witnesses. All the Petitioners are present, except for Petitioner Nos.7 and 8. The explanation rendered is that on account of riots and turmoil in the area, where Petitioner Nos.7 and 8 are residing, they could not present themselves before this court. Learned counsel for the Respondent No.2 is present in Court and states that Respondent No.2 has received the amount due under the settlement.

Vide the present petition, the petitioners seek the quashing of the FIR No.0807/2016, PS New Usmanpur registered under Sections 498A/406/377/34 of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act, 1961, submitting to the effect that a settlement has been arrived at between the petitioners and the respondent no.2 and that no useful purpose would be served by the continuation of the proceedings in the present FIR.

The Investigating Officer of the case is present and has identified the petitioners as being the accused arrayed in the FIR in question and has also identified the respondent no.2.

The respondent no.2 has produced her original proof of identity, photocopy of which is on the record and query by the Court, she has affirmed having signed her affidavit in support of the averments made in the petition as well as the settlement dated 09.07.2018 which has since been arrived at between her and the petitioner no.1 before the Delhi Mediation Centre, Karkardooma Courts, Delhi during the course of the proceedings in CC No.1091/16 on 09.07.2018. She has stated that she has signed all these documents voluntarily of her own accord without any duress, coercion or pressure from any quarter.

She has further testified to the effect that in terms of the settlement between her and the petitioner no.1, a total sum of Rs.10,00,000/- had been agreed to be paid to her by the petitioner No.1 towards all her claims. Out of which, a sum of Rs.8,00,000/- has been received by her previously and the balance sum of Rs.2,00,000 has been tendered to her by petitioner No.1 today during the course of

present proceedings vide Demand Draft bearing No.009007 dated 20.02.2020 drawn on HDFC Bank in her favour and she further states that no claims of hers are left against the petitioners now. She also states that she has understood the implications of the statement made by her and further stated that she does not oppose the prayer made by the petitioners seeking the quashing of the FIR in question nor does she want the petitioners to be punished in relation thereto.

In view of the verdict of the Hon'ble Supreme Court in *Jitendra Raghuvanshi & Ors. Vs. Babita Raghuvanshi & Anr.* (2013) 4 SCC 58, to the effect : -

“15. In our view, it is the duty of the courts to encourage genuine settlements of matrimonial disputes, particularly, when the same are on considerable increase. Even if the offences are non-compoundable, if they relate to matrimonial disputes and the Court is satisfied that the parties have settled the same amicably and without any pressure, we hold that for the purpose of securing ends of justice, Section 320 of the Code would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings. 16. There has been an outburst of matrimonial disputes in recent times. The institution of marriage occupies an important place and it has an important role to play in the society. Therefore, every effort should be made in the interest of the individuals in order to enable them to settle down in life and live peacefully. If the parties ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law, in order to do complete justice in the matrimonial matters, the courts should be less hesitant in exercising their extraordinary jurisdiction. It is trite to state that the power under Section 482 should be exercised sparingly and with

circumspection only when the Court is convinced, on the basis of material on record, that allowing the proceedings to continue would be an abuse of process of court or that the ends of justice require that the proceedings ought to be quashed....”

(emphasis supplied)

The FIR has apparently emanated from a matrimonial discord between the parties which has been resolved by the dissolution of marriage between the petitioner no.1 and the respondent no.2 and all the claims having been settled, it is considered appropriate to put a quietus to the litigation and disputes between the parties for maintenance of peace and harmony between them as also for the well being of the respondent no.2.

In view of the settlement arrived at between the parties voluntarily and the fact that the marriage between petitioner no.1 and respondent no.2 has already been dissolved, in my view, no useful purpose will be served in keeping them entangled in the present criminal proceedings. Accordingly, in the interest of justice, aforesaid FIR and the consequent proceedings emanating therefrom are hereby quashed.

The petition is disposed of.

SANJEEV NARULA, J

FEBRUARY 26, 2020/sg