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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2637/2019**

MEHMOODA HUSSAIN & ORS Petitioners
Through: Mr.C.M.Sangwan, Advocate

versus

THE STATE (NCT OF DELHI) & ANR Respondents
Through: Mr.Kewal Singh Ahuja, APP for State
with Inspector Asha, PS CWC
Nanakpura
Mr.Amit Gaur, Adv for R-2

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **11.02.2020**

The petitioners No. 2 to 5 are present in person. The presence of the petitioner No.1 has been exempted vide order dated 10.12.2019 in view of the submissions of the petitioner No.1 that she is on a wheel chair and is 88 years of age.

The Investigating Officer has identified the petitioner No.1 from the proof of her identity placed on the record at page 98 of the petition and the petitioners No.2 to 5 as being the other co-accused in the instant case apart from Ravish Maqsood, the spouse of the respondent No.2 since declared a proclaimed offender in relation to FIR No. 96/14, PS CWC Nanakpura, registered under Sections 498A/406/34 of the Indian Penal Code with it having been submitted by the Investigating Officer that the allegations under Section 377 of the Indian Penal Code, 1860, only relate to Ravish Maqsood with

allegations levelled against the petitioners No.1 to 5 under Sections 498A/406/34 of the Indian Penal Code, 1860. The Investigating Officer has also identified the respondent No.2 present in the Court today as being the complainant of the said FIR.

The petitioners No.1 to 5 vide the present petition seeks quashing of the FIR No. 96/14, PS CWC Nanakpura, registered under Sections 498A/406/34 of the Indian Penal Code submitting to the effect that a settlement has been arrived at between the petitioners and the respondent No.2 vide a settlement deed dated 10.10.2019 between them and the respondent No.2.

The respondent No.2 on her examination on oath has produced the proof of her identity and has testified having sworn her affidavit Ex.CW-2/B and the settlement deed dated 10.10.2019 EX.CW-2/C voluntarily of her own accord without any duress, pressure or coercion from any quarter. She further states that her spouse has been absconding for the last seven years and that the petitioners No. 1 to 5 have undertaken to take care of her and her two children born of the wedlock between the respondent No.2 and Ravish Maqsood and thus she does not oppose the prayer made by the petitioners No. 1 to 5, namely, Mehmooda Hussain, Rafat Mazhar, Gazala Hussain, Talat Mazhar and Nazreen Mazhar seeking quashing of the FIR No. 96/14, PS CWC Nanakpura, registered under Sections 498A/406/34 of the Indian Penal Code, nor does she want them to be punished in relation thereto.

The respondent No.2 is well educated having done her MBA and states that she understands the implications of the statement made

by her and states that she does not oppose the prayer made by the petitioners in the circumstances seeking quashing of the FIR in view of the deposition of the respondent No.2 that she has agreed to the prayer made by the petitioners seeking quashing of the FIR.

In as much as it had been agreed between her and the petitioners No. 1 to 5 that the petitioners would take care of her and her two children which was not so averred in the settlement deed dated 10.10.2019, EX.CW-2/C, it was considered appropriate to examine the petitioner No. 2 to 5 who are present in the court today who affirm in their statements to the effect that they undertake to look after the respondent No.2 and her two children.

In view of the settlement arrived at between the petitioners and the respondent No.2 and the deposition of the respondent No.2, the State does not oppose the prayer made by the petitioner seeking quashing of the FIR in question.

In the circumstances, for maintenance of peace and harmony between the parties, it is considered appropriate to put a quietus to the litigation between them, the FIR No. 96/14, PS CWC Nanakpura, registered under Sections 498A/406/34 of the Indian Penal Code, and all proceedings emanating therefrom only qua the petitioners No.1 to 5 are thus quashed.

ANU MALHOTRA, J

FEBRUARY 11, 2020/sv

Item No. 25

CRL.M.C. No. 2637/2019

MEHMOODA HUSSAIN & ORS V. STATE & ANR.

CW-1 INSPECTOR ASHA PS NANAKPURA

ON S.A.

I identify the petitioner No.1, namely, Mehmooda Hussain from the proof of her identity i.e. Aadhar Card, placed at page 98 of the petition and I identify the petitioners No. 2 to 5, namely, Rafat Mazhar, Gazala Hussain, Talat Mazhar and Nazreen Mazhar as being the accused arrayed in FIR No. 96/14, PS CWC Nanakpura, registered under Sections 498A/406/34 of the Indian Penal Code present in the Court today with the allegations under Section 377 of the Indian Penal Code, 1860 being only against Ravish Maqsood, the other accused, since declare a proclaimed offender and the spouse of the respondent No.2. I also identify the respondent No.2 present in the Court today as being the complainant of the said FIR.

ANU MALHOTRA, J

RO & AC

11.02.2020

Item No. 25

CRL.M.C. No. 2637/2019

MEHMOODA HUSSAIN & ORS V. STATE & ANR.

CW-2 MS UZMA RAVISH W/O RAVISH MAQSOOD D/O RAHMAT ALI SIDDIQUI, R/O F-33, NAFEEES ROAD, BATLA HOUSE, P.O. JAMIA NAGAR, NEW DELHI, AGED 41 YEARS.

ON S.A.

I have brought my original proof of identity, i.e. Aadhar Card. The copy of the same is EX.CW-2/A .

My affidavit in support of the averments made in the petitions bears my signatures at points A and B thereon on Ex.CW-2/B. The settlement agreement dated 10.10.2019 arrived at between me and the petitioners No.1 to 5 bears my signatures thereon at point A on Ex.CW/2/C. I have signed these documents voluntarily of my own accord without any duress, pressure or coercion from any quarter

In view of the settlement arrived at between me and the petitioners No.1 to 5 who have agreed to take care of me and my two minor children born of the wedlock between me and Ravish Maqsood, who is since absconding for the last seven years, I do not oppose the prayer made by the petitioners No. 1 to 5 seeking quashing FIR No. 96/14, PS CWC Nanakpura, registered under Sections 498A/406/34 of the Indian Penal Code nor do I want the petitioners to be punished in relation thereto.

I have done my MBA and I have understood the implications of the statement made by me. I have so stated voluntarily of my own accord without any duress, pressure or coercion from any quarter.

ANU MALHOTRA, J

RO & AC/11.02.2020

Item No. 25
CRL.M.C. No. 2637/2019
MEHMOODA HUSSAIN & ORS V. STATE & ANR.

CW-3 MR.RAFAT MAZHAR S/O MAZHAR HUSSAIN R/O 138,
NIMRI COLONY, NEW DELHI, AGED 45 YEARS.
ON S.A.

I undertake to take care of the respondent No.2 and her two children born of the wedlock between the respondent No.2 and Ravish Maqsood, my cousin brother.

ANU MALHOTRA, J

RO & AC/11.02.2020

Item No. 25

CRL.M.C. No. 2637/2019

MEHMOODA HUSSAIN & ORS V. STATE & ANR.

**CW-4 Ms.GAZALA HUSSAIN D/O MAZHAR HUSSAIN R/O 138,
NIMRI COLONY, NEW DELHI, AGED 52 YEARS.**

ON S.A.

I undertake to take care of the respondent No.2 and her two children born of the wedlock between the respondent No.2 and Ravish Maqsood, my cousin brother.

ANU MALHOTRA, J

RO & AC/11.02.2020

Item No. 25

CRL.M.C. No. 2637/2019

MEHMOODA HUSSAIN & ORS V. STATE & ANR.

**CW-5 Mr.TALAT MAZHAR S/O MAZHAR HUSSAIN R/O 138,
NIMRI COLONY, NEW DELHI, AGED 56 YEARS.**

ON S.A.

I undertake to take care of the respondent No.2 and her two children born of the wedlock between the respondent No.2 and Ravish Maqsood, my cousin brother.

ANU MALHOTRA, J

RO & AC/11.02.2020

Item No. 25

CRL.M.C. No. 2637/2019

MEHMOODA HUSSAIN & ORS V. STATE & ANR.

**CW- Ms.NAZREEN MAZHAR W/O TALAT MAZHAR R/O 138,
NIMRI COLONY, NEW DELHI, AGED 52 YEARS.**

ON S.A.

I undertake to take care of the respondent No.2 and her two children born of the wedlock between the respondent No.2 and Ravish Maqsood, my brother-in-law.

ANU MALHOTRA, J

RO & AC/11.02.2020