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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 4821/2014 and Crl. M.A. No. 16558/2014 (for stay)

MOHD ASHARAF & ORS

..... Petitioners

Through: Mr. Afzal Ahmed, Advocate with
petitioners in person.

versus

STATE GOVT OF NCT OF DELHI & ANR

..... Respondents

Through: Mr. M.S. Oberoi, APP for the State
with SI Puran Singh PS Gokul Puri.
Mr. Fakhruddin, Advocate for R-2
with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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03.03.2020

1. This is a petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for quashing of FIR No. 339/2011, under Sections 498A/406/34 IPC registered at Police Station-Gokal Puri, District North East, Delhi, and all proceedings emanating therefrom.
2. Issue notice. Learned APP for the State, who appears on advance notice, accepts notice. Learned counsel for respondent No. 2 appears and accepts notice.
3. The brief facts of the case are that petitioner No. 1 and respondent No. 2 got married on 03.12.2003 according to Muslim customs and they lived together as wife and husband with each other. Out of the wedlock two male children were born. After the marriage,

some disputes and differences arose between them. On 25.09.2011, the respondent No.2 got the above said FIR registered against the petitioners for causing cruelties and demand of dowry.

4. Counsel for the petitioners submits that during the pendency of the trial, the parties have settled the matter amicably before the Delhi Mediation Centre, Karkardooma Courts, Delhi, in terms of the order dated 15.09.2018. Copy of the same is placed on record. As per the compromise deed, the marriage of the petitioner no. 1 and respondent no. 2 has already been dissolved by oral divorce.

5. Respondent No. 2 is present in Court today and she has been identified by the IO. Respondent No. 2 admits that she has settled the matter amicably with the petitioners. She further submits that the settlement/compromise has taken place voluntarily, without any force, pressure or coercion. As per settlement a sum of Rs.1,00,000/- (in cash) has been handed over to respondent No. 2 in the Court today. Respondent No.2 submits that nothing remains to be adjudicated further between them and she has no objection if the FIR in question is quashed.

6. Learned counsel for the State submits that in view of the settlement between the parties, the State has no objection if the FIR in question be quashed.

7. Keeping in view the above facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose will be served by keeping the case pending. It will be nothing but abuse of the process of law. Consequentially, this petition is allowed, FIR No. 339/2011, under Sections 498A/406/34

IPC registered at Police Station-Gokal Puri, District North East, Delhi, and the proceedings emanating therefrom shall stand quashed.

8. The present petition stands disposed of accordingly. *Dasti.*

RAJNISH BHATNAGAR, J

MARCH 03, 2020

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