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

+ **W.P.(CRL) 43/2023**

MD AASIF & ORS.

..... Petitioners

Through: **Mr. Anil Sehgal and Mr. Lalit Kumar,**
Advocate with P-1 to 5.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: **Mr. Anand V. Khatri, APP for State**
with SI Pravesh, PS Nihal Vihar.
Mr. Rovin Kumar, Advocate with R-
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Date of Decision: 17.04.2023.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The present petition has been filed seeking quashing of FIR bearing No.682/2022 dated 14.06.2022 under Sections 498A/406/34 of IPC registered at Police Station Nihal Vihar, Delhi.

2. In brief, facts are that the marriage between Petitioner No. 1 and respondent no. 2/complainant was solemnized on 05.04.2010 as per Muslim rites and rituals at Badau, UP. No child was born out of this wedlock. Thereafter owing to temperamental differences both parties started residing separately since 25.04.2021. Consequently, respondent No. 2/complainant

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lodged the present FIR against the Petitioners herein the chargesheet has not been filed in the present case.

3. It has been submitted that Respondent No. 2 also filed a complaint under section 12 of the DV act against all the petitioners. Further, learned counsel for the petitioner submits that during the pendency of the proceedings, the parties have entered into a settlement at the Delhi Mediation Centre, Tis Hazari Courts, Delhi i on 27.10.2022 on the following terms and conditions:

"1. It is agreed between the parties that due to temperamental differences they are not able to stay together and have agreed to dissolve their marriage as per Muslim rites and customs.

2. It is also agreed that respondent / husband shall pay an amount of Rs. 2,70,000/- (Rupees two lacs seventy thousand only) to Ms. Farhana (complainant wife) towards full and final settlement of all her claims including Istridhan, maintenance (present, past and future). Permanent alimony, mehar, iddat etc. The Respondent No. 1 will return the personal belongings of the Complainant, if any, including cloths and one silver necklace.

3. That the aforesaid settlement amount shall be paid through DD/ electronic mode, in the following manner) :-

(i) Rs. 1,00,000/- (Rupees one lac only) on or before 15.11.2022

(ii) Rs. 1,70,000/ (Rupees one lac seventy thousand only) at the time of quashing of FIR No. 682/22, a petition for the said purpose will be filed on or before 20.12.2022

4. That the complainant wife shall withdraw present case, on or before filing of quashing petition before Hon'ble High Court of Delhi.

5. That the parties shall approach Hon'ble High Court of Delhi for quashing of FIR No. 682/22, after dissolution of marriage, on or before 20.12.2022. The petitioner/ wife shall cooperate to give statement, affidavit NOC and to do all these acts which may be required to be done before concerned Hon'ble High Court for quashing of said FIR.

6. It is agreed that the complainant Ms. Farhana shall be left with no disputes/claims against the respondent/ husband Mr.

Md. Aasif or any of his family members in future and she shall not claim any right, title or interest in any movable or immovable property of the respondent/ husband or his family members, in the light of present settlement. Both the parties undertake that no other case or proceeding is pending or initiated in any court against each other. The complainant and respondents further undertake not to file any case/ complaint whether civil or criminal against each other in any court of law or concerned authority. Parties undertake to cooperate with each other in execution of present settlement and withdrawal of already filed cases.

7. It is agreed between the parties that they will not interfere in the lives of each other and shall part ways amicably.”

4. The petitioners and the complainant/respondent no. 2 are present before this court in person and have been duly identified by the IO. Respondent No. 2 states that she has entered into the settlement voluntarily out of her own free will, without any fear, force or coercion. She states that in pursuance of the settlement, the Demand Draft bearing DD No. 035623 dated 11.04.2023 of Rupees One Lakh Seventy Thousand in the name of Farhana drawn from Axis Bank has been handed over today. She further states that since the terms and conditions of the settlement have complied, she has no objection if the present FIR and all criminal proceedings emanating therefrom are quashed.

5. Since the dispute between the parties has been settled, I consider that continuance of proceedings in FIR No. 682/2022 dated 14.06.2022 under Sections 498A/406/34 of IPC registered at Police Station Nihal Vihar, Delhi would serve no useful purpose and may cause prejudice to the petitioner and be an exercise in futility. The chances of conviction would also be bleak and remote, given that the parties do not wish to pursue the present complaint on account of the settlement. It has been stated that respondent no. 2 has

already withdrawn the complaint under section 12 DV act on 15.11.2022.

6. In view of the above, I do not see any reason to reject the settlement. It is better to put a quietus to the dispute in view of the settlement deed arrived at between the parties voluntarily without any force, fear or coercion. The Supreme Court and this Court have time and again held that cases arising out of matrimonial differences should be put to quietus if the parties have arrived upon a genuine settlement. Reliance can be placed on *B.S. Joshi v. State of Haryana*, (2003) 4 SCC 675; *K. Srinivas Rao v. D.A. Deepa*, (2013) 5 SCC 226; *Yashpal Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another*, 2019 SCC OnLine Del 8179).

7. Considering the totality of facts and circumstances of the case and to prevent abuse of the power of the Court and secure the ends of justice the FIR No.682/2022 dated 14.06.2022 under Sections 498A/406/34 of IPC registered at Police Station Nihal Vihar, Delhi and all criminal proceedings emanating therefrom are quashed.

8. Accordingly, the present petition stands disposed of.

DINESH KUMAR SHARMA, J

APRIL 17, 2023/AR