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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **CRL.M.C. 4455/2023****FIROZ KHAN AND ORS**

..... Petitioners

Through: Mr. Faraz Maqbool, Mr. Chinmai
Chatterjee and Mr. Chandan Kumar,
Advs.

versus

STATE OF NCT OF DELHI AND ANR.

..... Respondents

Through: Ms. Manjeet Arya, APP for the State
with SI Rajender Singh, PS welcome.
Mr. Gautam Khazanchi and Mr. Anuj
Aggarwal, Advs. for R-2

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*Date of Decision: 4th July, 2023***CORAM:****HON'BLE MR. JUSTICE DINESH KUMAR SHARMA****J U D G M E N T****DINESH KUMAR SHARMA, J. (Oral)****CRL.M.A. 17072/2023 (Exemption)**

Exemption is allowed subject to all just exceptions.



CRL.M.C. 4455/2023

1. The present petition has been filed under Section 482 Cr. PC seeking quashing of FIR No. 109/2019 registered at PS Welcome under Sections 498A/406/34 IPC and Section 4 of the Dowry Prohibition Act, 1961.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 17.04.2011 in accordance with the Muslim customs and Ceremonies. However, on account of temperamental differences and mental incompatibility, the parties started living separately and instituted multiple litigations against each other and their respective families including the present FIR. There are three children both out of the wedlock. Both the parties state that they are residing together since for the last three years.
3. Parties have reached on settlement dated 10.04.2023 with following terms and conditions:

I. The settlement between the Parties envisages resolution of all disputes/differences. The Parties agree that with the due implementation of their respective obligations under the present Settlement Agreement, there shall not remain any claim of either Party outstanding on the other, either individually or collectively.

II. In lieu of their settlement, the present Settlement Agreement shall be implemented in the following manner-

A. On the basis of the present Settlement Agreement, the Parties shall prepare and execute necessary documents including affidavits, vakalatnama, undertakings, no objection certificate,



Power of Attorney etc. for quashing of the aforesaid Case/Proceeding.

B. The said Quashing Petition will be filed before the concerned Court in relation to the afore-mentioned pending case/proceeding along with a copy of the present Settlement Agreement, supporting affidavits and such other papers/documents as may be necessary.

C. The Parties or through their representatives shall appear before the concerned Court on all dates of hearing when the afore-mentioned Quashing Petition seeking quashing of the aforesaid case is listed and give requisite undertakings/affidavits/statements etc. to the concerned Court in relation thereto till the said Petition(s) are finally decided/adjudicated by the concerned Court.

4. I consider that there would be no purpose of continuing with the trial as the parties have entered into the settlement voluntarily without any fear, force and coercion, and have decided to give quietus to the proceedings. It was a matrimonial dispute which has been amicably settled and thus the parties must be given a chance to live together peacefully.
5. Both parties are present in court and have duly been identified by the IO. Respondent no. 2 submits that she has entered the settlement voluntarily without any fear, force or coercion. She submits that other petitions have already been withdrawn or dismissed. And since the parties are living together again, she has no objection if FIR no.109/2019 registered at PS Welcome under Sections 498A/406/34



IPC and Section 4 of the Dowry Prohibition Act, 1961 and all the proceedings emanating therefrom.

6. Taking into account the totality of facts and circumstances of the case, this court considers that the parties have entered into an amicable settlement out of their own free will, without any fear, force or coercion and they should be given an opportunity to lead their lives peacefully. No purpose will be served in continuing with the trial.
7. In view of the above, FIR no. 109/2019 registered at PS Welcome under Sections 498A/406/34 IPC and Section 4 of the Dowry Prohibition Act, 1961 and all the other proceedings emanating therefrom are quashed.
8. The present petition along with all the pending applications stands disposed of.

DINESH KUMAR SHARMA, J

JULY 4, 2023

Pallavi