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

+ **CRL.M.C. 5503/2022**

SH SHAKIR & ANR.

..... Petitioners

Through: Mr. Amit Paul, Advocate with
petitioners in person.

versus

THE STATE & ANR.

..... Respondents

Through: Mr. Raghuvinder Varma, APP for the
State with SI Mohd. Kunnain Khan,
PS Chandani Mahal.

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Date of Decision: 27th March, 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.21879/2022 (exemption)

Exemption allowed subject to all just exceptions.

CRL.M.C. 5503/2022

1. The present petition has been filed seeking quashing of case FIR No. 262/2015 dated 23.09.2015 under Sections 498A/406/34 IPC registered at PS Chandni Mahal. The said FIR was lodged at the complaint of the respondent No.2/wife.

CRL.M.C. 5503/2022

Page 1 of 4



2. Facts in brief are that the marriage between Petitioner no. 1 and respondent no. 2/complainant was solemnized on 20.02.2011 as per Muslim rites and customs. One child was born out of the wedlock. Thereafter owing to temperamental differences the respondent no. 2/complainant started residing separately from 09.09.2013. Subsequently, respondent no. 2/complainant filed a complaint before CAW Cell against the petitioners herein which culminated into the present FIR. Chargesheet has been filed and the matter is pending adjudication before the Ld. MM, Tis Hazari Courts, Delhi.

3. Learned counsel for the petitioners submits that while the matter was underway, with the intervention of family members and well-wishers, the parties amicably settled all their disputes. Learned counsel submits that an application to this effect was moved before the Ld. Trial Court seeking time to file the present quashing petition before this Court on account of the amicable settlement between the parties which was allowed vide order dated 05.03.2022 and the Ld. Trial Court adjourned the matter for awaiting the quashing orders. Learned counsel submits that the parties have resolved all their differences amicably and are now residing together as husband and wife. Learned counsel submits that thus no useful purpose would be served by continuing the present FIR and seeks quashing of the same.

4. The parties are present before this court in person and have been duly identified by the IO. Respondent No.2/complainant states that she was married to the petitioner No. 1 namely Mohamad Sakir on 20.02.2011. One child was born out of wedlock. She states that she has amicably settled all



the disputes with the petitioners and wants to put a quietus to the same. She states that now the petitioner No.1 and her are living together as husband and wife, happily and peacefully for the last five years. She states that she does not wish to pursue the present FIR as she has settled with the petitioners voluntarily out of her own free will, without any fear, force or coercion. She states that she has no objection if the present FIR and all criminal proceedings emanating therefrom are quashed.

5. Petitioner No.1 and respondent No. 2 further state that they have no complaints against each other and have amicably settled the matter between themselves. Both the parties have also filed an affidavit to this effect accompanying the present petition.

6. I have considered the submissions and perused the records.

7. The parties have amicably settled all their disputes and are stated to be living together as husband wife for the last five years. The complainant/respondent No.2 does not wish to pursue the present FIR. The chances of conviction would also be bleak given that the complainant does not wish to pursue the present complaint on account of the amicable settlement and since the parties are happily residing together with each other as husband and wife. In such circumstances continuance of FIR No. 0043/2018 would serve no useful purpose and may cause prejudice to the petitioner and be an exercise in futility. It is settled law that in matrimonial matters where the wrong is basically private or personal in nature and the parties have amicably resolved their entire dispute and there is a bleak chance of conviction, it is better to put a quietus to the dispute so as to prevent the



abuse of the process of the Court and to secure the ends of justice. 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.

8. Since the parties have settled all their disputes and are living together, no purpose will be served in continuing with the proceedings. In view of the above, FIR No. 262/2015 dated 23.09.2015 u/s 498A/406/34 IPC registered at PS Chandni Mahal and all the other proceedings emanating therefrom are quashed.

9. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

MARCH 27, 2023
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