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

+ **CRL.M.C. 359/2024**

NOUSHAD & ORS.

..... Petitioners

Through: Mohd. Shariq and Mohd. Javed,
Advocates along with petitioners.

versus

**THE STATE GOVT. OF NCT OF DELHI
AND ANR.**

..... Respondents

Through: Mr Raj Kumar, APP for the State
with ASI Gajraj Singh, Police Station
Gokalpuri.
Mr Anwar Khalif, Advocate for R-2
along with R-2 in person.

**CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN**

ORDER
16.01.2024

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CRL.M.A. 1426/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 359/2024

2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0560/2015 under Sections 498A/406/506/34 IPC registered at Police Station Gokalpuri and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

3. Issue notice. The learned APP for the State accepts notice. He submits that since the FIR is an outcome of a matrimonial dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in



question is quashed.

4. The petitioner no.1 (former husband) and petitioner nos.2 and 4 to 7, who are close relatives of the petitioner no.1, as well as, respondent no. 2 (former wife) are present in the Court and they have been identified by their respective counsel and by the Investigating Officer ASI Gajraj Singh, Police Station Gokalpuri. Petitioner no.3, who is the mother of the petitioner no.1 is not present in the Court as she is stated to be hospitalised. Accordingly, she is exempted from her personal appearance.

5. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 25.01.2006 according to Muslim Rites and Customs. Out of the said wedlock, one child, namely, Zishan was born, who is in the care and custody of the respondent no.2.

6. On account of temperamental issues certain disputes arose between the parties and they started living separately from January, 2015. The dispute between the parties also led to the registration of present FIR.

7. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 11.08.2016, which is annexed as Annexure P-2 to the present petition.

8. Learned counsel for the petitioners submits that the petitioner no.1 had pronounced a talaq and this position is also affirmed by the learned counsel for the respondent no.2.

9. It is also a term of the settlement between the parties that the petitioner no.1 shall pay a total amount of Rs.4 lakhs to the respondent no.2 towards full and final settlement of all her claims (present, past and future, complete maintenance, allowances, damages, alimony, mehar prompt and deferred). The entire amount of Rs.4 lakhs has already been paid by the



petitioner no.1 to the respondent no.2.

10. The receipt of entire amount of Rs.4 lakhs is acknowledged by the respondent no.2, who is present in court.

11. The respondent no.2, on a query put by the Court, states that divorce has taken place between her and the petitioner and she has no objection in case the FIR is quashed.

12. In view of the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

13. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

14. Consequently, the petition is allowed and the FIR No.0560/2015 under Sections 498A/406/506/34 IPC registered at Police Station Gokalpuri alongwith all other proceedings emanating therefrom, is quashed.

15. The petition stands disposed of in the above terms.

16. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

JANUARY 16, 2024
MK