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

+ **CRL.M.C. 447/2024**

ASHRAF ANSARI AND ORS

..... Petitioners

Through: Mr Anubhav Dubey, Advocate along
with petitioners in person.

versus

THE STATE NCT OF DELHI AND ANR

..... Respondents

Through: Mr Raj Kumar, APP for the State
with SI Akhil Choudhary, Police
Station Seelampur.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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19.01.2024

CRL.M.A. 1754/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 447/2024

2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0168/2019 under Sections 498A/406/34 IPC read with Section 4 of Dowry Prohibition Act, 1961 registered at Police Station Seelampur 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 to 10, as well as, respondent no. 2 (former wife) are present in the Court and they have been identified by the Investigating Officer SI Akhil Choudhary, Police Station Seelampur.

5. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 03.12.2015 according to Muslim Rites and Customs. No child was born out of the said wedlock.

6. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 27.05.2018. The dispute between the parties also led to the registration of present FIR.

7. During the pendency of the proceedings, the parties were referred to Delhi Mediation Centre, Karkardooma Courts, Delhi, where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 16.02.2023, which is annexed as Annexure P-3 (Colly.) to the present petition.

8. In terms of the said settlement, the parties decided to mutually dissolve their marriage/take talaq as per Muslim Law.

9. Learned counsel for the petitioners submits that the talaq has been pronounced by the petitioner no.1 in terms of Muslim Law. This position is also affirmed by the respondent no.2, who is present in the Court.

10. It is a term of the settlement between the parties that the petitioner no.1 shall pay a total sum of Rs.5,50,000/- 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). Out of the said amount, a sum of Rs. 4,50,000/- has already been paid by the petitioner no.1 to the respondent no.2 in the manner as mentioned in the



settlement. The remaining amount of Rs.1,00,000/- has been paid to the respondent no.2 today in the court by the petitioner no.1 by way of Demand Draft bearing No.508998 dated 15.01.2024 issued by Canara Bank.

11. The receipt of entire amount of Rs.5,50,000/- is acknowledged by the respondent no.2, who is present in court.

12. The respondent no.2, on a query put by the Court, states that she has no objection in case the FIR is quashed.

13. 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.

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

15. Consequently, the petition is allowed and the FIR No.0168/2019 under Sections 498A/406/34 IPC read with Section 4 of Dowry Prohibition Act, 1961 registered at Police Station Seelampur alongwith all other proceedings emanating therefrom, is quashed.

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

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

VIKAS MAHAJAN, J

JANUARY 19, 2024
MK