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

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Date of Decision: 15.02.2024

+ CRL.M.C. 1028/2024

SARFARAZ ALAM & ORS.

..... Petitioners

Through: Mr. Kali Charan, Advocate with
Petitioners-in-person.

versus

STATE GOVT.O FNCT OF DELHI AND ANR.

..... Respondents

Through: Ms. Kiran Bairwa, APP for State with
SI Devender Kumar, PS: Jafrabad.
Mr. Abhishek Kumar, Advocate for
R-2 with R-2-in-person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N T

ANOOP KUMAR MENDIRATTA, J (ORAL)

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioners for quashing of FIR No. 75/2018, under Sections 323/354B/341/34 IPC, registered at P.S.: Jafrabad and the proceedings emanating therefrom. Section 498A IPC was subsequently invoked.
2. Issue notice. Learned APP for the State and learned counsel for respondent No. 2 along with respondent No. 2 in person appear on advance notice and accept notice.
3. In brief, as per the case of the petitioners, marriage between petitioner No. 1 and respondent No. 2 was solemnized according to Muslim Rites and Customs on 15/11/2006. Three children were born out of the said wedlock,



who are aged about 14 years, 10 years and 08 years respectively and are in legal custody of petitioner No. 1 (father). Due to temperamental differences between the parties, petitioner No. 1 and respondent No. 2 started living separately. On complaint of respondent No. 2, present FIR was registered on 01.02.2018.

4. The matter is stated to have been amicably resolved between the parties with the intervention of well-wishers. The marriage between petitioner No. 1 and respondent No. 2 has been dissolved by Divorce Deed / Talaqnama dated 13.12.2021 and respondent No. 2 is stated to have re-married.

5. Balance amount of Rs. 1,00,000/- has been paid to respondent No. 2 through Demand Draft No. 507052 dated 07.02.2024 drawn on Kotak Mahindra Bank, Yamuna Vihar Branch, towards full and final settlement between the parties.

6. Learned APP for the State submits that in view of amicable settlement between the parties, the State has no objection in case the FIR in question is quashed.

7. Petitioners as well as respondent No. 2 are present in person and have been identified by SI Devender Kumar, PS: Jafrabad, Delhi. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also states that nothing remains to be further adjudicated upon between the parties and she has no objection in case the FIR in question is quashed.

8. Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by keeping the case pending. It would be nothing but an abuse of the process of



Court. Consequently, FIR No. 75/2018, under Sections 498A/323/354B/341/34 IPC, registered at P.S.: Jafrabad, Delhi and the proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

FEBRUARY 15, 2024/R