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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 14.02.2024

+ CRL.M.C. 1202/2024

FAWADULLAH KHAN @

FAWABULLAH KHAN & OTHERS

..... Petitioners

Through: Mohd. Sajid and Mr. Abdullah Bin
Masood, Advocates with Petitioners-
in-person.

versus

STATE (NCT) OF DELHI AND ANOTHER

..... Respondents

Through: Ms. Kiran Bairwa, APP with
SI Sandeep Yadav, PS: Punjabi Bagh.
Mr. Ajeet Kumar, Mr. Chandra Gupta
Maurya and Mr. Yogesh Kumar,
Advocates with respondent No. 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)****CRL.M.A. 4784/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 1202/2024

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. 54/2018, under Sections 498A/406/34 IPC registered at P.S.: Punjabi Bagh and proceedings emanating therefrom.
2. Issue notice. Learned APP for the State and learned counsel for



respondent No.2 alongwith respondent No.2 in person appear on advance notice and accept notice.

3. In brief, as per the case of the petitioner, nikah between petitioner No.1 and respondent No. 2 took place according to Muslim rites and ceremonies on 13.08.2017. No child was born out of the wedlock. Due to temperamental differences, respondent No.2 and petitioner No.1 started living separately. Present FIR was registered on 02.02.2018 at the instance of respondent No.2.

4. It is further the case of petitioner No.1 that he decided for separation from respondent No.2 by way of divorce through Talaq-e-Hasan and as per law, made pronouncement of Talaq after each tuhr through notice/communication dated 22.09.2017, 19.10.2017 and 01.12.2017. Petitioner No.1, thereafter filed a suit for declaration seeking status of petitioner No.1 and respondent No.2 as divorced, which was granted vide decree dated 09.12.2023.

5. The matter is stated to have been now amicably settled between the parties, in terms of Settlement/Compromise Deed dated 23.08.2023 arrived at Delhi Mediation Centre, Tis Hazari Courts, Delhi.

Balance amount of Rs. 10,50,000/- has been paid to respondent No. 2 through Demand Draft No. 315069 dated 19.01.2024 drawn on State Bank of India, New Delhi Main Branch, in favour of respondent No. 2 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 No.2 and 3 joined through V.C. but could not be connected



due to technical glitch. Petitioner No. 1 as well as respondent No. 2 are present in person and have been identified by SI Sandeep Yadav, PS: Punjabi Bagh. 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. 54/2018, under Sections 498A/406/34 IPC registered at P.S.: Punjabi Bagh and the proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending application, if any, also stands disposed of.

ANOOP KUMAR MENDIRATTA, J.

FEBRUARY 14, 2024/v