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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 1258/2024 & CRL.M.A. 5129/2024 (Stay), CRL.M.A. 4989/2024 (Exemption)

MOHD. MOHSIN & ORS.

..... Petitioners

Through:

Mr. Meharban Singh and Ms.
Yashasvi Bhatnagar, Advocates
alongwith petitioners in person.

versus

THE STATE NCT OF DELHI & ANR.

..... Respondents

Through:

Mr. Sunil Kumar Gautam, APP for
the State.
SI Ajay Tyagi, PS Shahbad Dairy.
Ms. Hitakshi Bhatnagar, Advocate for
R-2 alongwith R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

25.04.2024

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1. The present petition under Section 482 of the Cr.P.C. seeks quashing of FIR No. 216/2019, under Sections 498A/406/34 of the IPC, registered at P.S. Shahbad Dairy and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Nidhi Chitkara, learned Metropolitan Magistrate, Mahila Court, Rohini Courts, Delhi.
2. The marriage between petitioner no.1/husband and respondent no.2/wife was solemnized on 01.11.2006 as per Muslim rites and customs and five children were born out of the said wedlock.
3. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties started residing separately. Subsequently,



respondent no.2/complainant lodged an FIR against the petitioners.

4. Learned counsel for the petitioner submits that in pursuance of the Settlement Agreement dated 01.02.2019, parties arrived at settlement before the Mediation Center, CAW Cell, Delhi. It is further stated that the parties are living together at their matrimonial home for the last 5 years alongwith their children.

5. Petitioners and complainant/respondent no. 2 are present before the Court and have been duly identified by their respective counsel, as well as the Investigating Officer, SI Ajay Tyagi, PS Shahbad Dairy.

6. The Complainant/respondent No.2 states that the matter has been settled and she is living with petitioner no. 1 for the last 5 years at their matrimonial home and she has no objection if the FIR is quashed against the petitioners.

7. In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR is quashed.

8. In *Gian Singh v. State of Punjab* (2012) 10 SCC 303, Hon'ble Supreme Court has recognized the need of amicable resolution of disputes by observing as under:-

“61. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings.”

9. In view of the aforesaid circumstances, and the fact that the parties have put a quietus to the dispute, no useful purpose will be served in



continuing with the present FIR No. 216/2019, under Sections 498A/406/34 of the IPC, registered at P.S. Shahbad Dairy and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Nidhi Chitkara, learned Metropolitan Magistrate, Mahila Court, Rohini Courts, Delhi.

10. In the interest of justice, the petition is allowed, and the FIR No. 216/2019, under Sections 498A/406/34 of the IPC, registered at P.S. Shahbad Dairy and all other consequential proceedings emanating therefrom, including the chargesheet pending before the court of Ms. Nidhi Chitkara, learned Metropolitan Magistrate, Mahila Court, Rohini Courts, Delhi, is hereby quashed.

11. Petition is allowed and disposed of accordingly.

12. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

APRIL 25, 2024

Click here to check corrigendum, if any