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

+ CRL.M.C. 1647/2024 & CRL.M.A. 6361/2024

MOHMMED SAMEER AND ORS Petitioners

Through: Mr. Deepak Kumar, Advocate with
petitioners in person.

versus

THE STATE AND ANR Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
with SI Vikas Rathi PS Sadar Bazar,
Delhi.
Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **28.02.2024**

1. The present petition has been filed under Section 482 Cr.P.C. on behalf of the petitioners seeking quashing of FIR No. 0224/2018 registered under Sections 498-A/406/34 IPC and at P.S. Sadar Bazar, Delhi on the ground that the parties have amicably settled their disputes.
2. The present FIR is an outcome of a matrimonial dispute between the complainant/respondent No. 2 (wife) and petitioner No. 1 (husband) and petitioner Nos. 2 to 9 who are in-laws of the complainant.
3. Mr. Sanjeev Sabharwal, learned APP for the State submits that in the present case, petitioners are the only accused persons and respondent No. 2 is the complainant/victim.
4. Learned counsel for the petitioners submits that the parties have settled their disputes before the Delhi Mediation Centre on 25.08.2023. In terms of the settlement, the parties have already parted their ways by taking



divorce as per Muslim Personal Law. It was agreed that a sum of Rs.10,50,000/- as full and final settlement shall be paid by petitioner No. 1 to respondent No. 2 towards her claims qua maintenance, mehar amount, iddat expenses, permanent alimony, etc. It is further submitted that out of the settled amount of Rs.10,50,000/-, remaining balance amount of Rs.3,50,000/- is being paid today through a cheque bearing number 000006 drawn on UCO Bank, Model Basti, New Delhi a photocopy of which has been placed on record. The counsel for the petitioner, on instructions, further assures that the said cheque will be encashed on presentment.

5. The petitioner no.1 who is present in person and is identified by his counsel and the IO states that rights of the minor children who are in the custody of respondent No.2 shall remain unaffected by the aforesaid settlement arrived at between the parties in terms of the decision of the Supreme Court in Ganesh v. Sudhirkumar Shrivastava and Others **2019 SCC OnLine SC 1107**. Petitioner No.1 in acknowledgment of having stated so has also signed the order sheet along with his counsel.

6. Petitioners, who are present in Court, have been identified by I.O./ SI Vikas Rathi PS Sadar Bazar, Delhi.

7. Respondent No. 2, who is also present in Court and identified by the I.O., states that she has settled her disputes with petitioner No.1 of her own free will, volition and without any coercion. She also acknowledges the receipt of entire settled amount and submits that she has no objection in case the FIR is quashed against the petitioners subject to encashment of the aforesaid cheque of Rs.3,50,000/- handed over to her today.

8. Learned counsel for the petitioners submits that no other proceedings are pending between the parties.



9. The parties shall remain bound by the statements and undertaking made in Court today.
10. In view of the above facts and since no useful purpose will be served in continuance of the present criminal proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed, subject to encashment of aforesaid cheque of Rs.3.50 lac.
11. With the above directions, the petition is disposed of.

MANOJ KUMAR OHRI, J

FEBRUARY 28, 2024/rd