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

+ **CRL.M.C. 1873/2024 & CRL.M.A. 7125/2024 (Exemption)**

AFIQ KHAN & ORS.

..... Petitioners

Through: Mr. Manoj Kumar and Mohd. Kazim,
Advocates alongwith petitioners in
person.

versus

THE STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Sunil Kumar Gautam, APP for
the State.
SI Sandeep, PS Punjabi Bagh.
Mr. Sameer Ahmad, Advocate for
R-2 alongwith R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

05.03.2024

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1. The present petition filed under Section 482 of the Cr.P.C. seeks quashing of the FIR No. 327/2022, under Sections 498A/406/34 of the IPC, registered at P.S. Punjabi Bagh.
2. The marriage between petitioner no.1/husband and respondent no.2/wife was solemnized on 25.03.2018 as per Muslim rites and ceremonies.
3. No child was born out of the said wedlock.
4. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties started residing separately. Subsequently, respondent no.2/complainant registered an FIR against the petitioners.
5. On 15.07.2023, parties arrived at a settlement before Delhi Mediation Centre, Tis Hazari Courts, Delhi and as per the said settlement deed,



petitioner no.1 has agreed to pay an amount of Rs. 2,00,000/- to the respondent no.2/wife towards full and final settlement of all her claims including *mahar* amount, cost of articles, etc., permanent alimony and maintenance - present, past and future. The copy of the aforesaid settlement deed dated 15.07.2023 is on record (Annexure B).

6. In terms of the said settlement, the marriage between the parties stands dissolved by a Dissolution of Marriage by mutual consent/ *Mubara-at* under Section 319 of the Mohammedan Law dated 04.12.2023 (Annexure C). Further, as per the settlement deed, a sum of Rs. 1,00,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 1,00,000/- has been paid to respondent no. 2 in cash today.

7. 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 Sandeep, PS Punjabi Bagh.

8. The complainant/respondent No.2 states that the matter has been settled with the petitioners and she has no objection if the FIR is quashed. She further states that all the terms of the agreement have been complied with.

9. Learned APP for the State submits that investigation in the present FIR is pending and chargesheet has not been filed. In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR is quashed.

10. In *Gian Singh v. State of Punjab*, (2012) 10 SCC 303, the 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 proceeding.”

11. 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. 327/2022, under Sections 498A/406/34 of the IPC, registered at P.S. Punjabi Bagh.

12. In the interest of justice, the petition is allowed, and the FIR No. 327/2022, under Sections 498A/406/34 of the IPC, registered at P.S. Punjabi Bagh, is hereby quashed.

13. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

MARCH 05, 2024/sn