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

+ **W.P.(CRL) 765/2024**

DILSHAD AND ORS.

..... Petitioners

Through: Mr. Mohd. Shahwa, Advocates
alongwith petitioners in person.

Versus

THE STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Ms. Priyam Aggarwal &
Mr. Abhinav Kumar Arya,
Advocates.
SI Mohd. Nasir & Naseem Khan, P.S.
Dayalpur.
Mr. Nadeem Hussain, Advocate for
Respondent no. 2 alongwith R-2 in
person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

05.03.2024

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CRL.M.A. 7148/2024 (Exemption)

1. Exemption allowed, subject to just exceptions.
2. The application is accordingly disposed of.

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3. The present petition seeks quashing of the FIR No. 475/2020, under Sections 498A/406 of the IPC, registered at P.S. Dayalpur.



4. The marriage between petitioner no.1/husband and respondent no.2/wife was solemnized on 05.01.2019 as per Muslim customs and ceremonies. No child was born out of the said wedlock.
5. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties started residing separately from 23.04.2019. Subsequently, respondent no.2/complainant lodged an FIR against petitioner no.1 (husband), petitioner no. 2 (mother-in-law) and petitioner no. 3 (brother-in-law), petitioners no. 4 to 8 (sisters-in-law) and Mr. Yusuf, i.e., father-in-law, who has since passed away on 26.08.2023. A copy of his death certificate is on record as Annexure-E.
6. On 22.11.2023, parties arrived at a settlement before Delhi Mediation Centre, Karkardooma Courts, Delhi and as per the said settlement, petitioner no.1 has agreed to return the articles as per annexure A and B of the settlement, and to pay an amount of Rs. 50,000/- to the respondent no.2/wife towards full and final settlement of all her claims including *istridhan*, permanent alimony and maintenance - present, past and future. A copy of the aforesaid settlement deed dated 22.11.2023 is on record (Annexure-C).
7. In terms of the said settlement, the marriage between the parties stands dissolved by a divorce deed dated 07.01.2024.
8. 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 Officers, SI Mohd. Nasir & Naseem Khan, P.S. Dayalpur.
9. A demand draft bearing no. 502142, dated 20.02.2024, for Rs. 50,000/- drawn on Punjab and Sind Bank, SC 1, Sector-12, Pratap Vihar, Ghaziabad, UP, has been handed over to the complainant/respondent no.2, who acknowledges the receipt of the same.



10. 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.

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

12. 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.”

13. 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. 475/2020, under Sections 498A/406 of the IPC, registered at P.S. Dayalpur.

14. In the interest of justice, the petition is allowed, and the FIR No. 475/2020, under Sections 498A/406 of the IPC, registered at P.S. Dayalpur, is hereby quashed.

15. Petition is allowed and disposed of accordingly.



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

AMIT SHARMA, J

MARCH 5, 2024/bsr