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

+ **CRL.M.C. 1948/2024**

MD. SHAHID KHAN AND ORS

..... Petitioners

Through: Mr. Pradeep Kumar & Mr. Irfan
Akhtar, Advocates.

Petitioners in person (through VC).

versus

THE STATE GOVT. OF NCT OF DELHI AND ORS

..... Respondents

Through: Mr. Sunil Kumar Gautam, APP for
the State with SI Kamal Chaudhary,
P.S. Prem Nagar.

R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **11.03.2024**

CRL.M.A. 7483/2024 (Exemption)

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

CRL.M.C. 1948/2024

3. The present petition filed under Section 482 of the Cr.P.C. seeks quashing of FIR No. 263/2019, under Sections 498A/406/34 of the IPC, registered at P.S. Prem Nagar and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Preeti Rajoria, learned Metropolitan Magistrate, Mahila Court (North-West), Rohini Courts, Delhi.
4. The marriage between petitioner no.1/husband and respondent no.2/wife was solemnized on 20.07.2016 as per Muslim rites and



ceremonies. Two children were born out of the said wedlock.

5. 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 petitioner no.1 (husband), petitioner no. 2 (father-in-law), petitioner no. 3 (mother-in-law), petitioner no. 4 (sister-in-law) & petitioner no. 5 (brother-in-law).

6. Learned counsel appearing on behalf of the petitioners that during the pendency of the aforesaid proceedings, the parties have settled their dispute before Delhi Mediation Centre, Rohini District Courts, Delhi *vide* settlement/agreement dated 31.03.2021. In pursuance thereof, respondent no. 2 has no objection to the present FIR and subsequent chargesheet being quashed. It is further submitted that petitioner no.1 and respondent no. 2 are residing together peacefully along with their minor children at their matrimonial home for the last 03 years.

7. Petitioners appear through video conferencing and complainant/respondent no. 2 is present in Court today and have been duly identified by their respective counsel, as well as the Investigating Officer, SI Kamal Chaudhary, P.S. Prem Nagar.

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 she is residing peacefully with petitioner no. 1 alongwith their minor children at their matrimonial home for the last 03 years.

9. 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. 263/2019, under Sections 498A/406/34 of the IPC, registered at P.S. Prem Nagar and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Preeti Rajoria, learned Metropolitan Magistrate, Mahila Court (North-West), Rohini Courts, Delhi.

12. In the interest of justice, the petition is allowed, and FIR No. 263/2019, under Sections 498A/406/34 of the IPC, registered at P.S. Prem Nagar and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Preeti Rajoria, learned Metropolitan Magistrate, Mahila Court (North-West), Rohini Courts, Delhi, 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 11, 2024/bsr