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

+ **CRL.M.C. 1952/2024**

NAEEM ALI AND ORS.

..... Petitioners

Through: Ms Uman Aditya Singh, Advocate
along with petitioners in person.

versus

STATE & ANR.

..... Respondents

Through: Mr Raghvinder Varma, AP for the
State with ASI Shamsher Singh,
Police Station Begumpur, Delhi and
SI Radha, Police Station Begumpur.
Mr Manoj, Mr Himanshu, Mr Banke
Bihari, Mr Parshuram Sharma and Mr
Balram Sharma, Advocates for R-2
along with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

11.03.2024

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CRL.M.A. 7497/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 1952/2024

2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0439/2020 under Sections 498A/406/354/34 IPC registered at Police Station Begumpur, Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

3. Issue notice. The learned APP for the State accepts notice. He submits that since the FIR is an outcome of a matrimonial dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in



question is quashed.

4. The petitioner no.1 (former husband) and petitioner nos.2 to 5, who are close relatives of the petitioner no.1, as well as, respondent no. 2 (former wife) are present in the Court and they have been identified by their respective counsel and by the Investigating Officer ASI Shamsheer Singh, Police Station Begumpur, Delhi and SI Radha, Police Station Begumpur.

5. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 08.11.2014 according to Muslim Rites and Customs. Out of the said wedlock, one male child was born, who is in the care and custody of the respondent no.2.

6. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 11.08.2020. The dispute between the parties also led to the registration of present FIR.

7. During the pendency of the proceedings, the parties were referred to Delhi Mediation Centre, Rohini District Courts, Delhi, where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 19.12.2023, which is annexed as Annexure-3 to the present petition.

8. It is recorded in the settlement that the petitioner no.1 has already obtained *ex-parte* decree of divorce from the court of learned Additional Principal Judge, Family Court, Muzaffarnagar, U.P. Further, the parties have no objection to the aforesaid *ex parte* decree of divorce.

9. It is also a term of the settlement that the respondent no.2 shall cooperate for the quashing of aforesaid FIR.

10. It is also agreed between the parties that the petitioner no.1 shall pay a total sum of Rs.1,50,000/- to the respondent no.2 towards full and final



settlement of all her claims on account of streedhan, permanent alimony, maintenance (past, present and future) etc. Out of the said amount, a sum of Rs.75,000/- has already been paid by the petitioner no.1 to the respondent no.2 in the manner as mentioned in the settlement. The remaining amount of Rs.75,000/- has been paid to the respondent no.2 today in the court by the petitioner no.1 by way of Demand Draft bearing No.608546 dated 13.02.2024 issued by Bank of Baroda, Begumpur, Delhi.

11. The receipt of entire amount of Rs.1,50,000/- is acknowledged by the respondent no.2, who is present in court.

12. The respondent no.2, on a query put by the Court affirms the factum of divorce between her and the petitioner no.1 and states that she has no objection in case the FIR is quashed.

13. In view of the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

14. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

15. Consequently, the petition is allowed and the FIR No.0439/2020 under Sections 498A/406/354/34 IPC registered at Police Station Begumpur, Delhi alongwith all other proceedings emanating therefrom, is quashed.

16. The petition stands disposed of in the above terms.

17. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

MARCH 11, 2024/MK