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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1204/2020**
SALIM KHAN & ORS.

.....Petitioner

Through: Ms. Parul Agarwal and Mr. Avishek
Kumar, Advocates with petitioners in
person.

versus

STATE & ANR.

.....Respondents

Through: Mr. Satish Kumar, Ld. APP for State
with SI Vinay P.S. Laxmi Nagar.
Mr. Mrinal Kumar Sharma, Mr.
Mirza Hasan Beg and Mr. Veerbhadra
Singh, Advocates with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

09.08.2024

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1. The Petition under Section 482 Cr.P.C has been filed on behalf of the petitioners, seeking to quash the FIR No.565/2014 dated 15.03.2014, registered under Sections 406/498A/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Shakarpur.

2. Brief facts of the case are that the marriage between the petitioner No.1 and respondent No.2 was solemnized on 26.01.2006 according to Muslim rites and ceremonies. From the said wedlock one female child namely Baby Mariyam was born on 03.02.2010. Due to the temperamental differences the relationship between petitioner No.1 and respondent No.2 was never cordial and consequently respondent No.2 left the company of petitioner No.1. On 15.03.2014 the respondent No.2 got a case registered vide FIR No.565/2014 under Section 498A/406/34 IPC against the



petitioners at Police Station Shakarpur. After investigations, police filed the chargesheet against the petitioners in the Court.

3. During the pendency of the proceedings, the respondent No.2 given the divorce to the petitioner No.1 through Khula Talaq through Darul Qaza Islamic Research and Welfare Foundation on 03.09.2019 and their marriage has been dissolved as per the Shariat Law w.e.f 03.09.2019. The copy of Khula Talaq dated 01.09.2019 issued by Darul Qaza, Islamic Research and Welfare Foundation is annexed along with the petition.

4. With the intervention of common relatives and friends the petitioners and respondent No.2 have amicably settled their disputes and a Compromise Deed/Memorandum of Understanding dated 23.01.2020 was executed between them, whereby the petitioner No.1 has paid a sum of Rs.75,000/- to respondent No.2 against all claims of past, present and future maintenance and permanent alimony of respondent No.2 and the minor daughter.

5. In view of the Settlement dated 23.01.2020, the present petition has been filed.

6. The parties are present before this Court in-person today, and have been identified by their counsel and Investigating Officer concerned.

7. The parties have submitted that all the disputes have been amicably settled *vide* Settlement dated 23.01.2020 and thus, no fruitful purpose will be served in continuing with the FIR.

8. The present petition has been signed by all the petitioners and is supported by their respective affidavits. The parties have reaffirmed the terms of the settlement arrived at *vide* Settlement dated 23.01.2020 and they also submit that the said Settlement dated 23.01.2020 has been arrived at between the parties without any pressure and coercion.



9. Today, the parties are present in the Court and have endorsed that the Settlement has been arrived between them voluntarily without any fear, pressure or coercion and the parties undertake to remain bound by the terms of the Settlement dated 23.01.2020. Learned counsel on behalf of respondent No.2, however, submits that despite an understanding the petitioner No.1 has failed to provide for the maintenance of the child.

10. The rights of the daughter are absolutely independent and are in no way impacted or compromised by virtue of the present Compromise Deed. The respondent No.2 is at liberty to agitate the rights of the child in accordance with law.

11. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion and also the fact that the present matter is a family matter, no useful purpose will be served in continuing with the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

12. Moreover, there is no legal impediment in quashing the FIR in question.

13. Accordingly, FIR No. 565/2014 dated 15.03.2014 for the offence punishable under Sections 406/498A/34 of IPC, 1860, registered at Police Station Shakarpur and all consequential proceedings emanating therefrom are quashed.

14. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 9, 2024/va