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

+ **CRL.M.C. 2552/2024**

ASHRAF NADAF & ORS.

..... Petitioner

Through: Mr. Mohit Kumar, Adv. with
petitioners in person.

versus

STATE (DELHI ADMINISTRATION) & ANR. Respondents

Through: Mr. Hemant Mehla, APP for the
State with Mr. Mridul Sharma, Adv.
alongwith SI Mamta, P.S. Dabri.
Mr. Nitin Vats, Adv. for R-2 with R-2
in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

13.05.2024

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1. The present petition under Section 482 Cr.P.C. seeks quashing of FIR No. 0689/2022, under Section 498A/406/34 IPC, registered at PS Dabri, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Vaishali Singh, learned Metropolitan Magistrate, Dwarka Courts, New Delhi.
2. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 27.02.2021 as per Muslim Rites and Customs and one male child was born out of the said wedlock.
3. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties resided separately from 02.04.2022.



Subsequently, respondent no.2/complainant lodged a complaint against petitioner no. 1 (husband), petitioner no. 2 (father-in-law), petitioner no. 3 (mother-in-law), petitioner nos. 4 to 7 (brother-in-laws).

4. On 24.01.2024, parties arrived at a settlement before Counseling Cell, Family Courts, Dwarka, and as per the said settlement, petitioner no.1 has agreed to pay an amount of Rs. 4,00,000/- 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. It was further agreed between the parties that the petitioner no. 1/husband shall pay Rs.2,50,000/- (Rupees Two lakh fifty thousand Only) to respondent no. 2/wife, to be made in the form of an FDR in the name of the child aged about 1 year and 6 months and said FDR will be valid until the child attains the age of 18 years. Furthermore, it was agreed upon that petitioner no. 1 shall open an account of the minor, which will be operated under the guardianship of the mother/respondent no. 2 and upto that period of attainment of majority by the child, the nominee of the said FDR will be mother/respondent no. 2. It is pointed out that said FDR is from the joint account of respondent no.2 and the minor child.

5. Further, as per the settlement deed, an amount of Rs. 4,00,000/- has already been paid to respondent no.2 and the FDR for the Rs. 2,50,000/- has been paid to her in Court today. As per the said settlement, custody of the minor child will be with respondent no. 2 and petitioner no. 1 will have visitation rights for once in a month in a mutually agreed place and time.

6. 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 Mamta, P.S. Dabri.



7. A FDR from A/c no.210323030002791 dated 09.05.2024 for Rs. 2,50,000/- drawn on Union Bank of India, Dwarka, New Delhi has been handed over to the Complainant/Respondent No.2, who acknowledges the receipt of the same.

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 against the petitioners. She further states that all the terms of the settlement have been complied with.

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, 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 proceedings.”

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. 0689/2022, under Section 498A/406/34 IPC, registered at PS Dabri, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Vaishali Singh, learned Metropolitan Magistrate, Dwarka Courts, New Delhi.



12. In the interest of justice, the petition is allowed, and the FIR No. 0689/2022, under Section 498A/406/34 IPC, registered at PS Dabri, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Ms. Vaishali Singh, learned Metropolitan Magistrate, Dwarka Courts, New Delhi, is hereby quashed.
13. It is however directed that this order shall not come in the way of the minor child in claiming his rights of inheritance, maintenance, educational & marriage expenses, etc. against any of the parties.
14. Petition is allowed and disposed of accordingly.
15. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

MAY 13, 2024/nk

[Click here to check corrigendum, if any](#)