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

+ CRL.REV.P. 48/2009

NASIR HUSSAIN & ORS.

..... Petitioners

Through: Mr. Amreek Singh, Mr. Ritesh Kumar, Mr. Imran Moazzam, Advocates for P-3.

versus

STATE THR. GOVT. OF N.C.T. OF DELHI Respondent

Through: Mr. Sanjay Lao, Standing Counsel with Ms. Priyam Agrawal and Mr. Abhinav Kumar, Advocates for R-1.

Mr. D. D. Sharma, Advocate for R-2 with the complainant in person.

SI Neeraj Chahal, P.S. Seelampur.

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

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16.04.2024

1. The present revision petition was filed under section 482 Cr.P.C. to challenge the judgment dated 17.01.2009 passed by the court of Sh. B. S. Chumbak, Additional Sessions Judge, Karkardooma Courts, Delhi in appeal bearing no. 03/08 titled as **Nasir Hussain & Ors V The State** arising out of the judgment dated 28.11.2005 and order on sentence dated 29.11.2005 passed by the court of Sh. Vinod Kumar, ACMM, Karkardooma Courts, Delhi.
2. The complainant/Shehnaz Begum was got married with the petitioner no. 1/Nasir Hussain on 26.12.1993 at Delhi according to Muslim Rites and Customs, subsequently, the matrimonial disputes stated to have arisen between the complainant/Shehnaz Begum and the petitioner no. 1/Nasir Hussain.



3. The complainant/Shehnaz Begum got registered FIR bearing no. 286/1996 under sections 498A/406 IPC at P.S. Seelampur. Chargesheet was filed after the completion of investigation wherein the petitioners along with Zakir Hussain were implicated. The court of Sh. Vinod Kumar, ACMM, Karkardooma, Courts, Delhi vide judgment dated 28.11.2005 convicted the petitioners along with Zakir Hussain for offences under sections 498A IPC and the petitioner no. 1/ Nasir Hussain was also convicted for the offence punishable under section 406 IPC. The petitioners and Zakir Hussain vide order on sentence dated 17.01.2009 were sentenced accordingly.

4. The petitioners and Zakir Hussain being aggrieved filed the criminal appeal bearing no. 03/08 titled as **Nasir Hussain & Ors V The State** which was decided by the court of Sh. B. S. Chumbak, Additional Sessions Judge, Karkardooma Courts, Delhi. The appellate court vide judgment dated 17.01.2009 has modified the judgment dated 28.11.2005 and order on sentence dated 29.11.2005 passed by the court of Sh. Vinod Kumar, ACMM, Karkardooma, Delhi and acquitted Zakir Hussain for the offence punishable under section 498A IPC. The petitioner/Nasir Hussain was convicted and sentenced for the offences punishable under sections 498A/406 IPC and remaining petitioners were convicted and sentenced for the offences punishable under sections 498A IPC. The petitioner no. 3 was sentenced to simple imprisonment for one year for the offence punishable under section 498A IPC.

5. The petitioners being aggrieved filed the present writ petition. During the pendency of the present revision petition the petitioner no.1/Nasir Hussain and the petitioner no.2/Rahisa Begum have expired.



6. The counsel for the petitioner no.3/Karimuddin stated that the petitioner no.3 who is father-in-law of the complainant is ready to compound/settle with the complainant/ Shehnaz Begum and is ready to pay Rs.5,00,000/- towards full and final satisfaction of all the claims of the complainant/Shehnaz Begum arising out of the marriage with the petitioner no.1 and other claims including the claims towards the properties stated to be owned by the petitioner no.3.

7. The complainant stated that she is ready to accept the amount of Rs.5,00,000/- towards full and final satisfaction of all her claims arising out of her marriage with the petitioner no.1/Nasir Hussain and the present petition be disposed of accordingly.

8. The petitioner no.3 is stated to be the father-in-law of the complainant and is aged about 83 years old. The petitioner no.3 is also stated to be suffering from various ailments due to old age and at present is confined to bed. The petitioner no.3 has already paid the amount of Rs.5,00,000/- to the complainant to her satisfaction. The petitioner no.3 remained in judicial custody for around 21 days. After considering all facts, the sentence awarded to the petitioner no.3 is modified for the period of the imprisonment which he has already undergone.

9. The present petition is accordingly disposed of.

DR. SUDHIR KUMAR JAIN, J

APRIL 16, 2024

Sk/hvk