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

+ **CRL.M.C. 2814/2024**

MOHD. ARIF & ORS.

..... Petitioners

Through: Mr. Abid Ahmad, Advocate along
with petitioners in person.

versus

STATE & ANR.

..... Respondents

Through: Mr. Manjeet Arya, APP for State with
SI Raghubir Prasad, P.S. Khyala,
Delhi.
Mr. Adil Khan & Md. Saddam
Hussain, Advocates for R-2 along
with R-2 in person.

CORAM:
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER
08.04.2024

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1. The present petition under Section 482 of Code of Criminal Procedure, 1973 (Cr.P.C.) has been filed on behalf of the petitioner seeking quashing of FIR bearing No.638/2021 dated 20.07.2021, registered at Police Station Khyala for the offences punishable under Section 406/498A/34 of Indian Penal Code, 1860 (IPC).
2. Issue notice. Mr. Manjeet Arya, learned APP accepts notice on behalf of State.
3. Briefly stated the facts of the case are that marriage of petitioner no.1 and respondent no.2 was solemnized on 12.11.2017 at Delhi according to



Muslim rites and ceremonies. After the solemnization of marriage, both the parties lived together and consummated their marriage and no child was borne from the said wedlock. After sometime due to temperamental differences arose between petitioner no.1 and respondent no.2 and they both got separated from each other and started living separately since 28.10.2019 and when disputes could not be resolved the present FIR came to be registered.

4. All the petitioners are present before this Court and have been identified by their counsel Mr. Abid Ahmad and Investigating Officer (IO) SI Raghbir Prasad Police Station Khyala, Delhi.

5. On the query made by this Court, respondent no.2 who has been identified by the IO, has categorically stated that she has entered into compromise out of her own free will and without any pressure, coercion or threat. It is also stated by respondent No.2 that the entire dispute has been amicably settled between the parties vide Deed of Settlement dated 23.03.2024.

6. It is submitted that respondent no.2 has settled all her claims in respect of her dowry articles, stridhan, marriage expenses, jewellery, gift items and claims of past, present and future maintenance and permanent alimony with petitioner No.1 and other family members.

7. The petitioner no. 1 had paid a sum of Rs.14,00,000/- in two installments in the following manner:

a). First instalment of Rs.7,00,000/- paid to respondent no.2 at the time of signing of the settlement by way of Demand Draft No.017338, dated 22.03.2024 drawn on IDBI Bank Ballabgarh, Haryana.

b). Second installment of Rs.7,00,000/- handed over today in court



by way of Demand Draft No.006645 dated 06.04.2024 drawn on HDFC Bank in favour of Khushnuma Malik i.e. respondent no.2.

8. In view of the above fact that the parties have amicably resolved their differences of their own free will, and without any coercion, no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them. It would thus be in interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

9. Accordingly, FIR bearing No.638/2021 dated 20.07.2021, registered at Police Station Khyala for the offences punishable under Section 406/498A/34 of IPC and all consequential proceedings emanating therefrom are quashed.

10. The petition stands disposed of.

11. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

APRIL 8, 2024/hs

Click here to check corrigendum, if any