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

+ **CRL.M.C. 2934/2024**

ABDUL KABIR AND OTHERS

..... Petitioners

Through: Mr. Rahul Kumar Singh, Advocate
alongwith Petitioner no. 1 in person.
Petitioners no. 2 to 5 (through Vc).

versus

THE STATE NCT OF DELHI AND ANR

..... Respondents

Through: Mr. Sunil Kumar Gautam, APP for
the State with Insp. Balmukund Rai,
P.S. Chandni Mahal.
Mr. A.R. Regmi, Advocate for R-2
alongwith R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **15.04.2024**

CRL.M.A. 11237/2024 (Exemption)

1. Exemption allowed, subject to just exceptions.
2. The application is disposed of accordingly.

CRL.M.C. 2934/2024

3. The present petition filed under Section 482 Cr.P.C. seeks quashing of FIR No. 316/2022, under Sections 498A/406/377/34 of the IPC, registered at P.S. Chandni Mahal, Delhi.
4. The marriage between petitioner no.1/husband and respondent no.2/wife was solemnized on 01.07.2021 as per Muslim rites and customs.



No child was born out of the said wedlock.

5. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties started residing separately. Subsequently, respondent no.2/complainant lodged an FIR against the petitioners.

6. On 28.03.2024, parties arrived at a settlement and as per the said settlement, petitioner no.1 has paid an amount of Rs. 25,000/- as *Dain Mehar* to the respondent no.2/wife. The copy of the aforesaid settlement deed dated 28.03.2024 has been placed on record as Annexure P-2. It is pointed out that the complainant/respondent no. 2 is married to some other person.

7. In terms of the said settlement, the marriage between the parties stands dissolved by way of *Talak-e-Ahsan* by sending three notices dated 22.10.2021, 22.11.2021 and 22.12.2021.

8. Petitioner no. 1, complainant/respondent no. 2 are present before the Court and petitioners no. 2 to 5 appear through video conferencing and have been duly identified by their respective counsel, as well as the Investigating Officer, Insp. Balmukund Rai, P.S. Chandni Mahal

9. 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. She further states that all the terms of the agreement have been complied with.

10. Learned APP for the State submits that investigation in the present FIR is pending and chargesheet is yet to be filed. In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR is quashed.

11. In *Gian Singh v. State of Punjab*, (2012) 10 SCC 303, the 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 proceeding.”

12. 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. 316/2022, under Sections 498A/406/377/34 of the IPC, registered at P.S. Chandni Mahal, Delhi.

13. In the interest of justice, the petition is allowed, and the FIR No. 316/2022, under Sections 498A/406/377/34 of the IPC, registered at P.S. Chandni Mahal, Delhi, is hereby quashed.

14. Petition is allowed and disposed of accordingly.

15. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

APRIL 15, 2024/bsr

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