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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2715/2022**
SHAHNAWAZ & ORS.

..... Petitioners

Through: Mr.Mohd. Zahid, Ms.Suhani,
Mr.Brahm Kr. Pandey &
Mr.M.K. Khan, Advs.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr.Aman Usman, APP.
SI Ajit Krishna, PS Gokul Puri.
Respondent no.2 present in
person.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **06.02.2024**

1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No.256/2016 registered at Police Station: Gokul Puri, North-East District, Delhi under Sections 498A/406/34 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of settlement.
2. The learned counsel for the petitioners submits that the subject FIR was an offshoot of the matrimonial discord between the parties, that is, the petitioner no.1 and the respondent no.2. He submits that the parties have amicably settled their *inter se* disputes vide deed of talaq by way of Mubarraat (mutual consent) under Mohammedan Law.



3. The petitioner no.1 has also filed an affidavit dated 10.08.2023 undertaking that the settlement between himself and respondent no.2 shall in no manner affect the rights of the child. The child is also stated to be in his custody in terms of the settlement arrived at between the parties.

4. The respondent no.2, who is present in Court and has been duly identified by the Investigating Officer (IO), reaffirms the settlement and states that she has settled all the *inter se* disputes with the petitioners of her own free will and without any coercion. She also reaffirms the factum of the child being in the custody of the petitioner no.1 in terms of the settlement. The respondent no.2 submits that she does not wish to pursue the proceedings emanating from the FIR any further and has no objection if the present FIR is quashed.

5. I have perused the contents of the FIR and also the settlement between the parties.

6. Keeping in view the fact that the respondent no.2 does not wish to pursue her complaint any further, as also the Settlement arrived at between the parties, I find that no useful purpose shall be served in continuing with the proceedings of the present FIR as the chances of its success will be rather minuscule and it would rather create further acrimony between the parties and will be an unnecessary burden on the State exchequer.

7. Guided by the principles enunciated by the Supreme Court in its judgments in *Jitendra Raghuvanshi v. Babita Raghuvanshi*, (2013) 4 SCC 58, *Gian Singh v. State of Punjab*, (2012) 10 SCC 303; *Parbatbhai Aahir @ Parbatbhai Bhimsinbhai Karmur & Ors. v.*



State of Gujarat & Ors. (2017) 9 SCC 641 and *State of Haryana & Ors. v. Bhajan Lal & Ors.* 1992 Supp (1) SCC 3, this Court deems it appropriate, in the interest of justice, to exercise its inherent powers under Section 482 of the Cr.P.C. to quash the FIR and all the proceedings emanating therefrom.

8. Accordingly, the petition is allowed. FIR No.256/2016 registered at Police Station: Gokul Puri, North-East District, Delhi under Sections 498A/406/34 of IPC and all consequential proceedings emanating therefrom against the petitioners are quashed.

9. However, as regards the rights of the child born out of the wedlock, it is made clear that the rights of the child will not be restricted/compromised on the basis of the aforesaid Settlement and all her legal rights will remain protected and available to her in accordance with law.

10. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

FEBRUARY 6, 2024/rv/AS

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