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

+ **CRL.M.C. 3101/2024**

SHAHN WAS KHAN @ SHANU & ORS. Petitioners

Through: Mr. Manish Dixit, Mr. Nitesh Rana,
Mr. Yogesh Tiwari & Mr. Manav
Rana, Advocates alongwith
petitioners in person.

versus

THE STATE & ANR. Respondents

Through: Mr. Sunil Kumar Gautam, APP for
the State with SI Chetan, ASI Ved
Prakash, P.S. Begumpur.
Respondent no. 2 in person alongwith
counsel (appearance not given).

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

24.04.2024

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CRL.M.A. 12010/2024 (Exemption)

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

CRL.M.C. 3101/2024

3. The present petition filed under Section 482 of the Cr.P.C. seeks quashing of FIR No. 59/2020, under Sections 498A/406/34 of the IPC, registered at P.S. Begumpur and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Preeti Rajoria, learned Metropolitan Magistrate, Mahila Court (North-West), Rohini Courts, Delhi.
4. The marriage between petitioner no.1/husband and respondent



no.2/wife was solemnized on 02.12.2018 as per Muslim rites and ceremonies. 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 since April 2019. Subsequently, respondent no.2/complainant lodged an FIR against the petitioners herein.

6. On 24.02.2022, parties arrived at a settlement before Delhi Mediation Centre, Rohini Courts, Delhi and as per the said settlement, petitioner no.1 has agreed to pay an amount of Rs. 2,10,000/- 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 and all other miscellaneous expenses including *Mehar* and *iddat*. The copy of the aforesaid settlement dated 24.02.2022 is on record (Annexure-C).

7. In terms of the said settlement, the marriage between the parties stands dissolved by a decree of divorce dated 25.01.2023, passed by Shri Sanjay Jindal, Judge, Family Courts, North District, Rohini Courts, Delhi (Annexure-D). Further, as per the settlement, an amount of Rs. 1,05,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 1,05,000/- has been paid to her in court today, by means of a demand draft.

8. 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 Chetan, P.S: Begumpur.

9. A demand draft bearing no. 326222, dated 06.03.2024, for Rs. 1,05,000/-, drawn on Punjab National Bank, Kali Nadi Road, Chandpur, Bulandshahar, U.P., has been handed over to the complainant/Respondent No.2, who acknowledges the receipt of the same.



10. 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.

11. In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR is quashed.

12. 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.”

13. 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. 59/2020, under Sections 498A/406/34 of the IPC, registered at P.S. Begumpur and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Preeti Rajoria, learned Metropolitan Magistrate, Mahila Court (North-West), Rohini Courts, Delhi.

14. In the interest of justice, the petition is allowed, and the FIR No. 59/2020, under Sections 498A/406/34 of the IPC, registered at P.S. Begumpur and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Preeti Rajoria,



learned Metropolitan Magistrate, Mahila Court (North-West), Rohini Courts, Delhi, is hereby quashed.

15. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

APRIL 24, 2024/bsr

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