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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 01.05.2024

+ CRL. M.C. 3401/2024

MOHD TARIQUE AFAQUE AND ORS. Petitioners
Through: Mr.Rashid Hashmi, Advocate
alongwith petitioners in person.

versus

THE STATE NCT OF DELHI AND ANR. Respondents
Through: Mr.Ajay Vikram Singh, APP for State
with SI Nitin Tomar, P.S. Jamia
Nagar.
Mr.Rishi Pal Singh, Advocate with
respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N T

ANOOP KUMAR MENDIRATTA, J (ORAL)

CRL.M.A. 13075/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 3401/2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioners for quashing of FIR No. 972/2012, under Sections 498A/406/34 IPC registered at P.S.: Jamia Nagar and proceedings emanating therefrom.

Learned counsel for petitioners has pointed out that Section 406 IPC has been wrongly reflected as Section 460 IPC in FIR. Further though



charge-sheet has been filed under Sections 498A/406/34 IPC & Sections 3 & 4 of the Dowry Prohibition Act, Section 498A IPC has again been wrongly reflected as Section 420 IPC.

2. Issue notice. Learned APP for the State and learned counsel for respondent No.2 alongwith respondent No.2 appear on advance notice and accept notice.

3. In brief, as per the case of the petitioners, matrimonial alliance between petitioner No.1 and daughter of respondent No. 2 namely Raushan was fixed in the year 2010 but on account of unforeseen circumstances, the marriage could not be solemnized as proposed on 07.11.2012. Consequently, allegations and counter-allegations were made by both the parties resulting in registration of FIR No. 972/2012, under Sections 498A/406/34 IPC, P.S. Jamia Nagar at instance of respondent No.2.

Also a complaint case is stated to have been filed on behalf of petitioner No.1, under Sections 420/406/382/384/506 IPC against respondent No.2, his daughter and wife, which is pending consideration before learned MM-03 (Mahila Court), South East District, Saket Courts, New Delhi.

4. The disputes are stated to have been amicably settled between the parties in terms of Settlement Deed dated 12.03.2024.

5. Learned APP for the State submits that in view of amicable settlement between the parties, the State has no objection in case the FIR in question is quashed.

6. Petitioners as well as respondent No. 2 are present in person and have been identified by SI Nitin Tomar, P.S.: Jamia Nagar. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2



also states that nothing remains to be further adjudicated upon between the parties and he has no objection in case the FIR in question is quashed.

7. Parties intend to put quietus to the proceedings which arose over differences in fixing of matrimonial alliance. The settlement shall promote harmony between the parties and permit them to move forward in life. Also the chances of conviction are bleak in view of amicable settlement between the parties. Further, no past involvement of the petitioners has been brought to the notice of this Court.

Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by keeping the case pending. It would be nothing but an abuse of the process of Court. Consequently, FIR No. 972/2012, under Sections 498A/406/34 IPC registered at P.S.: Jamia Nagar and the proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

MAY 01, 2024/v