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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 06.05.2024

+ CRL. M.C. 3567/2024

FIROZ ANSARI & ORS.

..... Petitioners

Through: Mr. Shivam Deep Singh and
Ms. Seema Dagra, Advocates with
Petitioners-in-person.

versus

STATE OF NCT DELHI & ANR.

.... Respondents

Through: Ms. Kiran Bairwa, APP for State with
SI Ajit Krishna, PS: Gokulpuri.
Mr. Vipin Bansal, Advocate for R-2
with R-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. 13704/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 3567/2024

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. 0112/2013 under Sections 498A/406/34 IPC and Section 4 of Dowry Prohibition Act, 1961, registered at P.S.: Gokulpuri and proceedings emanating therefrom. Chargesheet has been filed under Sections 498A/406/174A/34 IPC and Section 4 of Dowry Prohibition Act, 1961.
2. Issue notice. Learned APP for the State and learned counsel for respondent No. 2 along with respondent No. 2 in person appear on advance



notice and accept notice.

3. In brief, as per the case of the petitioners, marriage between petitioner No. 1 and respondent No. 2 was solemnized according to Muslim rites and customs on 26.09.2010. Three children were born out of the wedlock. Due to temperamental differences, petitioner No. 1 and respondent No. 2 started living separately. On complaint of respondent No. 2, present FIR was registered on 19.03.2013.

4. The disputes have been amicably resolved between the parties in terms of settlement deed dated 29.04.2024 and parties are residing together since 30.04.2014.

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. However, she points out that Section 174A IPC was invoked against petitioner No. 1, since he failed to join the investigation.

6. Learned counsel for the petitioners submits that petitioner No. 1 was unable to appear at the relevant time, since he had changed his address and was unaware of the process, if any issued under Section 82/83 Cr.P.C. at the earlier address.

7. Petitioners as well as respondent No. 2 are present in person and have been identified by SI Ajit Krishna, PS: Gokulpuri. 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.

8. Parties intend to put quietus to the proceedings arising out of matrimonial disputes. The settlement shall promote harmony between the



parties and permit them to move further in life. The chances of conviction are bleak in view of amicable settlement between the parties.

9. 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. 0112/2013, under Sections 498A/406/174A/34 IPC and Section 4 of Dowry Prohibition Act, 1961, registered at P.S.: Gokulpuri and proceedings emanating therefrom stand quashed.

10. In the facts and circumstances instead of imposing cost, petitioner No. 1 is directed to plant 10 saplings of trees, which are upto 03 feet in height in the local parks in the residential area within jurisdiction of PS: Gokulpuri, Delhi after getting in touch with the competent authority (i.e. Horticulture Department of MCD / DDA / Conservator of Forests, Department of Forests & Wildlife, Govt. of NCT of Delhi) through IO / SHO, PS: Gokulpuri. The photographs of planted saplings along with report of IO / SHO concerned shall be forwarded to this Court within eight weeks. Further, the upkeep of the saplings / trees shall be undertaken by the authorities concerned. In case of non compliance of directions for planting of trees, the petitioners shall be liable to deposit cost of Rs. 20,000/- with the Delhi State Legal Services Authority.

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 06, 2024/R