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

+ **CRL.M.C. 3933/2024**

MOHD PARVEZ @ AND ORS

..... Petitioners

Through: Mr Rahul Kumar, Ms Veshali, Mr Shiv Shankar Mishra, Mr C. K. Jha, Mr Birendra Jha, Mr Neeraj Kumar, Mr Narendra Kumar, Mr Anil and Mr Amar Singh, Advocates along with petitioners.

versus

STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Mr Hitesh Vali, APP for the State with SI Anugraha, PS Welcome. Mr Adarsh Tiwari, Advocate for R-2 along with R-2 in person.

**CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN**

ORDER
15.05.2024

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CRL.M.A. 15003/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 3933/2024

2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0473/2019 under Sections 498A/406/506/34 IPC and Section 4 of DP Act registered at Police Station Welcome and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.



3. Issue notice. The learned APP for the State accepts notice. He submits that since the FIR is an outcome of a matrimonial dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
4. The petitioner no.1 (former husband) and petitioner nos.2 to 4, who are close relatives of the petitioner no.1, as well as, respondent no. 2 (former wife) are present in the Court whereas the petitioner no.5, sister of the petitioner no.1 has joined through video conferencing. The parties have been identified by their respective counsel and by the Investigating Officer SI Anugraha, PS Welcome.
5. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 08.11.2016 according to Muslim Rites and Customs. Out of the said wedlock, one male child, was born, who is in the care and custody of the respondent no.2.
6. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 19.03.2019. The dispute between the parties also led to the registration of present FIR.
7. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Mubarak/Khula-cum-Settlement dated 11.03.2024, a copy of which is annexed as Annexure P-2 to the present petition. As per the terms of settlement, the parties agreed to dissolve their marriage in accordance to the Shariat Law i.e. mutually through *Mubaraat*.
8. Learned counsel for the petitioners submits that in the presence of the family members, the petitioner no.1 and respondent no.2 have divorced each other in accordance with Shariat Law i.e. mutually through *Mubaraat*.



9. An affidavit has also been filed by the petitioner no.1 stating that the rights of the minor child, who is in the care and custody of the respondent no.2, will remain unaffected by the terms of the settlement.

10. It is a term of the settlement that the petitioner no.1 shall pay a total sum of Rs.2,60,000/- to the respondent no.2 towards full and final settlement of all her claims (present, past and future, complete maintenance, allowances, damages, alimony, mehar prompt and deferred). Out of the said amount, a sum of Rs. 1,80,000/- has already been paid by the petitioner no.1 to the respondent no.2 in the manner as mentioned in the settlement. The remaining amount of Rs.80,000/- has been paid to the respondent no.2 today in the court by the petitioner no.1 by way of Demand Draft bearing No.521456 dated 07.05.2024 issued by Kotak Mahindra Bank, Noida Branch.

11. The receipt of entire amount of Rs.2,60,000/- is acknowledged by the respondent no.2, who is present in court.

12. The respondent no.2, on a query put by the Court, states that she has no objection in case the FIR is quashed.

13. In view of the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

14. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

15. Consequently, the petition is allowed and the FIR No.0473/2019 under Sections 498A/406/506/34 IPC and Section 4 of DP Act registered at Police Station Welcome alongwith all other proceedings emanating therefrom, is quashed.



16. The petition stands disposed of in the above terms.
17. Order be uploaded on the website of this court.

MAY 15, 2024
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VIKAS MAHAJAN, J