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

+ **W.P.(CRL) 1567/2024 & CRL.M.A. 15240/2024(Exemption)**

SHAMIM ANSARI & ORS.

..... Petitioners

Through: Mr. Deepak Kohli, Mohd. Shariq and
Mohd. Ajmal, Advocates alongwith
petitioners in person.

versus

STATE (NCT OF DELHI) & ANR.

..... Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(criminal) for the State with Mr.
Abhinav Kumar and Mr. Shivesh
Kaushik, Advocates.
Insp. Dinesh, SI Preeti and SI Sachin,
PS Khajuri Khas.
Mohd. Anas, Advocate for R-2
alongwith R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

17.05.2024

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1. The present petition under Article 226 of the Constitution of India read with Section 482 of the Cr.P.C. seeks quashing of FIR No. 555/2023, under Section 498A/406/34 of the IPC and Section 4 of the Dowry Prohibition Act, registered at PS Khajuri Khas.
2. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 10.10.2015 as per Muslim Rites and Customs and one female child was born out of the said wedlock.
3. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties started residing separately from August, 2021. Subsequently, respondent no.2/complainant lodged an FIR against the



petitioners and one Rahis Ahmed, who has since passed away.

4. On 16.11.2023, parties arrived at a settlement before Delhi Mediation Centre, Karkardooma Courts, Delhi and as per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs. 2,00,000/- 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.

5. In terms of the said settlement, the marriage between the parties stands dissolved by divorce dated 11.01.2024, as per Sharia Law. Further, as per the settlement deed, an amount of Rs. 2,00,000/- has already been paid to respondent no.2. As per the said settlement, custody of the minor child will be with the petitioner no. 1 and respondent no. 2/complainant shall have visitation rights as per the settlement which is as under:-

“iii. It is also agreed between the parties that the custody of the minor girl child namely, ---- shall remain with the husband and the wife shall not claim custody of the child in future. However, the complainant/mother shall have visitation/meeting rights with the child namely----- on last Sunday of every two months and the wife shall make a telephone call to the child once in a week. The husband shall be the guardian of the child for all intent and purposes.

iv. The above-mentioned arrangement of visitation of minor child is made keeping in mind the wishes, comfort and welfare of the minor child and the same may be subject to alteration/modification in future as per the wishes and comfort of the minor son and as per the mutual agreement between the parties.

v. It has been further agreed between the parties that the minor child would be free to have recourse to the provisions of law for seeking appropriate relief from the Court in relation to the aspect of maintenance, education and upbringing etc in terms of the pronouncement of judgment of the Hon'ble High Court in the case titled "**Rakesh Jain & Ors. v Sarita Gupta (Crl.Misc No.2935/2019)**". The wife undertakes that she will not initiate any kind of litigation on behalf of the minor child namely— against the husband.”



6. 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, Insp. Dinesh, PS Khajuri Khas.

7. 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 against the petitioners. She further states that all the terms of the settlement have been complied with.

8. Learned Standing Counsel for the State submits that investigation in the present FIR is pending and chargesheet has not been filed. In view of the settlement between the parties, learned Standing Counsel for the State also has no objection if the present FIR is quashed.

9. In *Gian Singh v. State of Punjab* (2012) 10 SCC 303, 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 proceedings.”

10. 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. 555/2023, under Section 498A/406/34 of the IPC and Section 4 of the Dowry Prohibition Act, registered at PS Khajuri Khas.

11. In the interest of justice, the petition is allowed, and the FIR No.



555/2023, under Section 498A/406/34 of the IPC and Section 4 of Dowry the Prohibition Act, registered at PS Khajuri Khas, is hereby quashed.

12. It is however directed that this order shall not come in the way of the minor child in claiming her rights of inheritance, maintenance, educational & marriage expenses, etc. against any of the parties.

13. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

MAY 17, 2024/nk

Click here to check corrigendum, if any