



\$~67

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

+ **CRL.M.C. 4305/2024**

AAS MOHAMMAD & ORS.

..... Petitioners

Through: Petitioner with their counsel Mr.
Shantanu Bhardwaj, Adv.

versus

STATE N.C.T. OF DELHI & ANR.

..... Respondents

Through: Mr. Raghuvinder Varma, APP for the
State with SI Akash Kumar, P.S.
Bhajan Pura.
R-2 with her counsel Mr. Akshay
Gupta, Adv.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

%

24.05.2024

CRL.M.A. 16313/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 4305/2024

3. The present petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of the petitioners seeking quashing of the case arising out of FIR bearing No. 0243/2016, registered at Police Station Bhajanpura, for offences punishable under Sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC').
4. Issue notice. Mr. Raghuvinder Varma, learned APP accepts notice on



behalf of the State. Mr. Akshay Gupta, Advocate accepts notice on behalf of respondent No. 2.

5. Learned counsel for the petitioners filed an affidavit regarding the rights of the minor child. It is stated that the said affidavit was filed in the Registry yesterday. However, the same is not on record. A copy of the said affidavit has been handed over in Court today. Let the same be placed on record.

6. All the petitioners are present before this Court, and have been identified by their counsel Mr. Shantanu Bhardwaj and Investigating Officer SI Akash Kumar from Police Station Bhajan Pura.

7. Brief facts of the case are that on 12.12.2007, the marriage between petitioner No. 1 and respondent no. 2 was solemnized according to Muslim Law. Out of the said wedlock, one female child namely Zoya was born in the year 2010. It is further stated that due to matrimonial disputes, the parties are started living separately from 15.02.2014. It is further stated that on the complaint of respondent no.2, the above-said FIR got registered on 08.03.2016. It is further stated that as per affidavit dated 18.05.2024, the parties have mutually settled the dispute between them. The parties have already obtained divorce and also withdrawn the cases filed against each other. It is stated that the all the formalities as per the settlement agreement have been performed. In view of the above settlement arrived at between the parties, the present petition for quashing of FIR has been filed.

8. On a query made by this Court, respondent no.2 who has been identified by the IO, has categorically stated that she has entered into compromise out of her own free will and without any pressure, coercion or threat. It is also stated by respondent No.2 that the entire dispute has been



amicably settled between the parties.

9. It is submitted that respondent no.2 has settled all her claims in respect of her dowry articles, *stridhan*, marriage expenses, jewellery, gift items and claims of past, present and future maintenance and permanent alimony with petitioner No.1 and other family members.

10. Today, the complainant who is present in Court states that she has received all amounts due to her and has no objection if the FIR is quashed.

11. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion and also the fact that the present matter is a family matter, this Court is of the opinion that no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. Moreover, there is no legal impediment in quashing the FIR in question.

12. Accordingly, FIR bearing No. 0243/2016, registered at Police Station Bhajanpura, for offences punishable under Sections 498-A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

13. The petition stands disposed of.

14. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MAY 24, 2024/A

Click here to check corrigendum, if any