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

+ CRL.M.C. 3917/2022

MOHD KASHIF

..... Petitioner

Through: Mr.Amit Dhalla and Mr.Sohan
Singh Rawat, Advs.

versus

THE STATE NCT OF DELHI & ANR. Respondents

Through: Ms.Priyanka Dalal, APP with
SI Manish

Mohd. Shoaib Abbasi, Adv. for
R-2 along with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **30.01.2024**

1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No.0529/2018 registered at Police Station: Welcome, North-East District, Delhi under Sections 498A/406/34 of the Indian Penal Code, 1860 (in short, 'IPC') and Sections 3/4 of the Dowry Prohibition Act, 1961 (in short, 'DP Act'), along with all other proceedings arising therefrom, on the basis of a settlement.

2. The learned counsel for the petitioner submit that the subject FIR was an offshoot of the matrimonial discord between the parties, that is, the petitioner and the respondent no. 2. He submits that the parties have amicably settled all their *inter se* disputes before the Delhi Mediation Centre, Karkardooma Court, Delhi vide Mediation Settlement dated 07.06.2022, and as per the terms of the settlement, the petitioner and the respondent no. 2 have taken divorce. The learned counsel for the petitioner has handed over a Demand Draft of



Rs.1,75,000/- and a certified Certificate of divorce to the respondent no.2, who is present in court in person and has been duly identified by the Investigating Officer (IO).

3. The respondent no.2 affirms that she has settled all the disputes with the petitioner of her own free will and without any coercion. The respondent no.2 submits that she has no objection if the present FIR is quashed.

4. I have perused the contents of the FIR and also the settlement entered into between the parties.

5. As the disputes between the parties arose out of a matrimonial relationship, and now the same have been amicably settled, they have also divorced each other, in my opinion, no useful purpose would be served in keeping the FIR alive. In fact, it would rather create further acrimony between the parties and will be an unnecessary burden on the State exchequer.

6. Guided by the principles enunciated by the Supreme Court in its judgments in ***Gian Singh v. State of Punjab***, (2012) 10 SCC 303; ***Parbatbhai Aahir @ Parbatbhai Bhimsinbhai Karmur & Ors. v. State of Gujarat & Ors.*** and (2017) 9 SCC 641 and ***State of Haryana & Ors. v. Bhajan Lal & Ors.*** 1992 Supp (1) SCC 3, this Court deems it appropriate, in the interest of justice, to exercise its inherent powers under Section 482 of the Cr.P.C. to quash the FIR and all the proceedings emanating therefrom.

7. Accordingly, the petition is allowed. FIR No. 0529/2018 registered at Police Station: Welcome, North-East District, Delhi under Sections 498A/406/34 of the IPC and Sections 3/4 of the DP



Act and all consequential proceedings emanating therefrom against the petitioner are quashed.

NAVIN CHAWLA, J

JANUARY 30, 2024/Arya/ss

Click here to check corrigendum, if any