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

+ CRL.M.C. 4345/2024 CRL.M.A. 16494/2024

NAVED ANJUM & ORS.

.....Petitioners

Through: Mohd. Iqbal and Mr. Khalil Ahmed
Qureshi, Advs. with petitioners in
person.

versus

THE STATE & ANR.

.....Respondents

Through: Mr. Hitesh Vali, APP for State with
ASI Harshad PS Jafrabad
Mohd. Salim and Ms. Noor Afsa,
Advs. for R2

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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29.08.2024

1. This petition seeks quashing of FIR No.98/2023 under Sections 498A/406/34 IPC and Section 4 of Dowry Prohibition Act registered with P.S. Jafrabad on ground of settlement arrived at between the parties dated 5th September 2023, which is on record of this Court.
2. Petitioner nos.1 to 6 and respondent no.2, complainant are present in the Court and duly identified by the IO and their respective counsels.
3. As per the settlement, a total amount of Rs. 10 lakhs is to be paid to respondent no.2/complainant, out of which Rs. 6 lakhs already stand paid and for the balance Rs. 4 lakhs is tendered *vide* Demand Draft No.898649, drawn on Punjab National Bank, which is received by respondent no.2 in the Court today who accepts and acknowledges the same.
4. An additional issue arose in Court. Though, as per the settlement,



custody of both minor daughters (Nawah Sheikh aged about 5 years and Zumirah aged about 3 years) is to be given to petitioner no.1, their father, who would take care of them, respondent no.2/complainant states that while the elder daughter Nawah Sheikh is already with her father, petitioner no.1, the younger daughter Zumirah Sheikh who is aged 3 years, requires her care considering her tender age. She further states that she was not aware that custody of her daughters was given to petitioner no.1 by the said settlement and had not been informed about this by the elders of the family who facilitated the resolution. Further she states that the petitioner no. 1 has remarried and has a child in that marriage as well and it would be unfair if both the daughters are given to him in custody.

5. Notwithstanding this clause of the settlement, it has now been agreed and settled between petitioner no.1 and respondent no.2, in presence of their respective counsels, that custody of the younger daughter shall remain with respondent no.2. It is further agreed between the couple that both petitioner no.1 and respondent no.2 i.e. the father and mother, will have right to meet their respective daughters, each of which are in custody of the other parent.

6. In view of the above settlement dated 5th September 2023 as modified by the agreement arrived at in Court today, respondent no.,2 states that she has no objection to quashing of the FIR.

7. Considering the above settlement between the parties and the chances of conviction of the petitioners being remote and bleak, there is no use continuing with proceedings of the present FIR as it would be a misuse of the process of the Court and an unnecessary burden on the State exchequer.

8. Accordingly, the petition is allowed and FIR No.98/2023 under Sections 498A/406/34 IPC and Section 4 of Dowry Prohibition Act registered with P.S. Jafrabad and proceedings emanating therefrom are quashed.



9. Parties shall abide by the terms of settlement as modified by the additional agreement, as noted hereinabove.
10. Petition stands disposed of. Pending applications, if any, are disposed of as infructuous.
11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

AUGUST 29, 2024/sm