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

+ CRL.M.C. 4436/2024 & CRL.M.A. 16813/2024(Exemption)

MOHD. AMIL KHAN AND OTHER Petitioners

Through: Mr. Muntazir Mehdi, Adv. with
petitioners in person.

versus

STATE (NCT OF DELHI) AND ANOTHER Respondents

Through: Mr. Sunil Kumar Gautam, APP for
the State with SI Harish Kumar, P.S.
Chandni Mahal.

Mr. Arun Kumar Sharma & Mr.
Abhishek, Advs. for R-2 with R-2 in
person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER
28.05.2024

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1. The present petition under Section 482 Cr.P.C. seeks quashing of FIR No. 292/2022, under Section 498A/406/34 IPC, registered at PS Chandni Mahal, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Dr. Neha Kheria, learned Metropolitan Magistrate, Central, Tis Hazari Courts, Delhi.
2. The marriage between the petitioner no.1/husband and the respondent no.2/wife was solemnized on 22.03.2017 as per Muslim Rites and Ceremonies and one male child was born out of the said wedlock.
3. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties started to reside separately. Subsequently,



respondent no.2/complainant lodged an FIR against petitioners.

4. On 08.04.2024, parties arrived at a settlement before Delhi Mediation Centre, Tis Hazari Courts, Delhi and as per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs. 8,00,000/- 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 Letter dated 08.05.2024 (AnnexureA-5). Further, as per the settlement deed, an amount of Rs. 6,00,000/- has already been paid to respondent no.2 and the remaining amount of Rs. 2,00,000/- has been paid to her in Court today, by means of a demand draft. As per the said settlement, custody of the minor child will be with respondent no. 2 and petitioner no. 1 will have visitation rights towards the minor child on every Sunday for around five hours at a mutually decided place like nearest public place, mall etc.,

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, SI Harish Kumar, P.S. Chandni Mahal.

7. A Demand Draft bearing no. 805678 dated 14.05.2024 for Rs. 2,00,000/- drawn on UCO Bank, Model Basti, New Delhi has been handed over to the Complainant/respondent No.2, who acknowledges the receipt of the same.

8. 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.

9. In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR is quashed.

10. 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.”

11. 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 FIR No. 292/2022, under Section 498A/406/34 IPC, registered at PS Chandni Mahal, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Dr. Neha Kheria, learned Metropolitan Magistrate, Central, Tis Hazari Courts, Delhi.

12. In the interest of justice, the petition is allowed, and the FIR No. 292/2022, under Section 498A/406/34 IPC, registered at PS Chandni Mahal, Delhi and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of Dr. Neha Kheria, learned Metropolitan Magistrate, Central, Tis Hazari Courts, Delhi, is hereby quashed.



13. It is however directed that this order shall not come in the way of the minor child in claiming his rights of inheritance, maintenance, educational & marriage expenses, etc. against any of the parties.
14. Petition is allowed and disposed of accordingly.
15. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

MAY 28, 2024/nk

Click here to check corrigendum, if any