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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 2390/2020, CRL.M.A. 2582/2024

ZEESHAN AHMED & ORS.

.....Petitioners

Through: Mohd. Ahmed, Advocate with
petitioner Nos. 1, 2 and 5 in person
and petitioner Nos. 3 and 4 through
V.C.

versus

THE STATE & ANR.

.....Respondents

Through: Mr. Shoaib Haider, APP for State
with SI Omkant, P.S. Hauz Qazi.
Mr. L.C. Rajput, Advocate for
respondent No.2 alongwith
respondent No.2 through V.C.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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13.11.2024

1. The present petition has been filed on behalf of the petitioners seeking quashing of FIR No. 182/2018 registered under Sections 498-A/406/354-A/354-B/376/34 IPC at P.S. Hauz Qazi, Delhi on the ground that the parties have amicably settled their disputes.
2. The present FIR is an outcome of a matrimonial dispute between the complainant/respondent No. 2 (wife) and petitioner No. 1 (husband), whereas petitioner Nos. 2 to 5 are in-laws of the complainant.
3. It is submitted that the parties have settled their disputes and the marriage between the parties has been dissolved as per Muslim Personal Law vide Divorce Deed/*Talaqnama* dated 05.12.2019. Further, it was agreed between the parties that petitioner No.1 would pay a sum of



Rs.12,00,000/- as full and final settlement to respondent No. 2 towards her claims qua maintenance, *mehar* amount, *iddat* expenses, permanent alimony, etc. It is further submitted that entire settled amount has already been paid to the respondent No.2.

4. Ld. APP for the State submits that in the present case, the petitioners are the only accused persons and respondent No. 2 is the complainant/victim. He however, raises objection to the prayer made by contending that the allegations against petitioner No.5/*Rehan* are with respect to offences under Sections 376/354 IPC. He further submits that the prosecutrix has already been examined and her evidence is still continuing before the Trial Court.

5. Petitioner No.1, 2 and 5, who are present in Court and petitioner Nos.3 and 4, who have joined the proceedings through V.C., have been identified by their counsel as well as by I.O.

6. Respondent No.2 has also joined the proceedings through V.C. alongwith her counsel and has also been identified by the I.O. She states that she has settled her disputes with petitioner No.1 out of her own free will, volition and without any coercion. She also acknowledges the receipt of entire settled amount and states that she has no objection to the quashing of FIR qua the petitioner Nos. 1 to 4 only.

7. Considering that the allegations levelled against petitioner No.5/*Rehan* are with respect to the offence under Sections 376/354 IPC and that respondent No.2 has been examined and also in the light of the decisions of the Supreme Court in Gian Singh v. State of Punjab & Anr. reported as **(2012) 10 SCC 303** and Shimbhu v. State of Haryana reported as **(2014) 13 SCC 318**, the petition qua the petitioner No.5 is dismissed.



8. At this stage, learned counsel for the petitioners further submits that insofar as the minor child is concerned, Clause (4) of the MOU/*Talaqnama* dated 05.12.2019 with regard to rights of the minor child stands deleted and in this regard Second MOU dated 05.08.2024 has been placed on record. Petitioner No.1, who is present in Court, reiterates that rights of their minor child shall remain unaffected by the terms of the MOU/*Talaqnama* dated 05.12.2019. In acknowledgement of his statement made today in Court, petitioner No.1 as well as his counsel have signed the order sheet.

9. The parties shall remain bound by the statements and undertaking made in Court today.

10. In view of the above facts and since no useful purpose will be served in continuance of the present criminal proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed qua the petitioner Nos. 1 to 4 only. The trial shall continue against the petitioner No.5.

11. With the above directions, the petition is disposed of alongwith pending application.

MANOJ KUMAR OHRI, J

NOVEMBER 13, 2024

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