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

+ **W.P.(CRL) 1712/2024**

SARFRAZ HAROON & ORS.

..... Petitioners

Through: Mr. Rashid Hussain and Mohd.
Nazim, Advs. with petitioners

versus

STATE OF NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Sanjay Lao, SC for State with SI
Anil Kumar PS Jamia Nagar
Respondent no. 2 (through VC)

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

28.05.2024

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1. The present petition has been filed under Article 226 of Constitution of India under Section 482 CrPC seeking quashing of FIR No.38/2021 under Sections 498A/406/34 IPC registered at Police Station Jamia Nagar and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Issue notice. The learned Standing Counsel for the State accepts notice. He submits that since the FIR is an outcome of a matrimonial dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
3. The petitioner no.1 (former husband) is present in Court whereas



petitioner nos. 2 – 4, who are close relatives of petitioner no. 1, as well as, respondent no. 2 (former wife) have joined through VC and they have been identified by learned counsel for the petitioner and by the Investigating Officer SI Anil Kumar PS Jamia Nagar.

4. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 06.04.2019 according to Muslim Rites and Customs. Out of the said wedlock, no child was born.

5. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 10.08.2020. The dispute between the parties also led to the registration of present FIR.

6. During the pendency of the proceedings, with the intervention of family and friends the parties have amicably settled their disputes.

7. In terms of the said settlement, the parties decided to dissolve their marriage by filing a petition for divorce by way of mutual consent (*Mubarat Nama*) as per Muslim Personal Law / Shariyat Law. Accordingly, the petitioner no.1 and respondent no.2 have obtained a decree of divorce dated 10.08.2023, which is annexed as Annexure B to the present petition.

8. It is a term of the settlement between the parties that the petitioner no.1 shall pay a total sum of Rs.2 Lakhs to the respondent no.2 towards full and final settlement of all her claims on account of permanent alimony, dowry articles, maintenance (past, present and future) etc. The entire amount of Rs. 2 Lakhs has already been paid to the respondent no.2, the receipt of which is acknowledged by the respondent no.2, who is present in court.

9. The respondent no.2, on a query put by the Court, states that she has no objection in case the FIR is quashed.

10. In view of the fact that the parties have arrived at a settlement, no



useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

11. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

12. Consequently, the petition is allowed and the FIR No.38/2021 under Sections 498A/406/34 IPC registered at Police Station Jamia Nagar alongwith all other proceedings emanating therefrom, is quashed.

13. The petition stands disposed of in the above terms.

14. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

MAY 28, 2024

N.S. ASWAL