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

+ **CRL.M.C. 4509/2024**

MOHD ZUBAIR ANSARI AND ORS.

..... Petitioners

Through: Mr. Rajbir Singh Sagar, Mr. Rajiv Pratap Singh and Mr. Ravi, Advocates alongwith petitioners in person

versus

THE STATE(GOVT OF NCT OF DELHI) AND ANR.. Respondents

Through: Mr. Satish Kumar, APP for the State along with Mr. Rana Sudershan Biswas, Ms. Chandrika Upadhyay, Advocates and SI Shivam Bisht, P.S. Khajuri Khas, Delhi
Mr. Mohit Sharma, Mr. Sumit Kumar Sharma, Advocates alongwith complainant/R-2 in person

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

% **29.05.2024**

CRL.M.A. 17003/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of petitioners seeking quashing of FIR bearing no. 666/2018, registered at Police Station Khajuri



Khas, Delhi for the offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 ('IPC') and Section 4 of Dowry Prohibition Act, 1961 and all consequential proceedings emanating therefrom.

4. Issue notice. Mr. Satish Kumar, learned APP accepts notice on behalf of State.

5. Petitioners are present before this Court and have been identified by their counsel Mr. Rajbir Singh Sagar and Investigating Officer (IO) SI Shivam Bisht from Police Station Khajuri Khas, Delhi.

6. Brief facts of the present case are that the marriage between petitioner no. 1 and respondent no. 2 was solemnized on 11.10.2015 as per Muslim rites and ceremonies. It is stated that one male child namely Umar was born on 25.09.2016 out of said wedlock. It is stated that due to matrimonial discord and differences, both the parties started residing separately since 15.08.2018. It is stated that on the statement of respondent no. 2, the present FIR bearing no. 666/2018 was registered at Police Station Khajuri Khas, Delhi against the petitioners for offences punishable under Sections 498A/406/34 of IPC and Section 4 of Dowry Prohibition Act, 1961. It is stated that during the pendency of the case, both the parties have amicably settled all their disputes before Delhi Mediation Centre, Karkardooma Courts, Delhi *vide* Memorandum of Understanding/Compromise Deed dated 04.11.2023. Thereafter, both the parties had dissolved their marriage by way of *Talaaq* as per Muslim law.

7. On a query made by this Court, respondent no.2 who has been identified by the IO, has categorically stated that she has entered into compromise out of her own free will and without any pressure, coercion or threat. It is also stated by respondent no.2 that the entire dispute has been



amicably settled between the parties before Delhi Mediation Centre, Karkardooma Courts, Delhi *vide* Memorandum of Understanding/ Compromise Deed dated 04.11.2023. Affidavits showing the protection of interest of minor child as per the judgment titled as ***Ganesh vs. Sudhirkumar Shrivastava***, (2020) 20 SCC 787 passed by the Hon'ble Supreme Court have been filed and the same are on record.

8. It is submitted that respondent no.2 has settled all her claims in respect of her dowry articles, stridhan, marriage expenses, jewellery, gift items and claims of past, present and future maintenance and permanent alimony with petitioner no.1 and other family members.

9. As per the settlement agreement, the petitioner no. 1 had to pay a sum of Rs. 3,50,00,000/- in the following manner:

- a. First installment of Rs. 1,50,00,000/- paid to respondent no. 2 at the time of withdrawal of execution petition and the instant case.
- b. second/Final instalment of Rs. 2,00,000/- to be paid at the time of quashing of the FIR before the Hon'ble High Court at New Delhi.

10. Today, the complainant who is present in Court states that she has received the last and final instalment of Rs. 2,00,000/- today, i.e., 29.05.2024 *vide* DD No. 916196 drawn on State Bank of India, New Friends Colony, New Delhi and has no objection, if the FIR is quashed.

11. In view of the above fact that the parties have amicably resolved their differences of their own free will, and without any coercion, no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them. It would thus be in interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.



There is no legal impediment in quashing the FIR in question.

12. Accordingly, FIR bearing no. 666/2018, registered at Police Station Khajuri Khas, Delhi for the offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 ('IPC') and Section 4 of Dowry Prohibition Act, 1961 and all consequential proceedings emanating therefrom are quashed.

13. In view of above, the petition stands disposed of.

14. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MAY 29, 2024/ns

Click here to check corrigendum, if any