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IN THE HIGH COURT OF DELHI AT NEW DELHI
CRL.M.C. 4536/2024
SHER MOHAMMAD

..... Petitioner

Through: Adv. Harsh Goyal along
with petitioner in person.

versus

**STATE OF NCT OF DELHI THROUGH STANDING
COUNSEL & ANR.**

..... Respondents

Through: Mr. Pradeep Gahalot, APP
for the State.
SI Vijay Kumar, PS
Jaitpur.
Mr. Neeraj Bidhuri, Adv.
for R-2 along with R-2 in
person.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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29.05.2024

CRL.M.A. 17096/2024 (*exemption from filing the certified
copies of relevant annexures*)

1. Exemptions allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 ('CrPC') seeking quashing of FIR No.545/2021 dated 03.12.2021, registered at Police Station Jaitpur, for offences under Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 and Section 506 of the Indian Penal Code, 1860 ('IPC'), including all consequential proceedings arising therefrom. The said FIR was registered on a complaint filed by Respondent No. 2. Chargesheet has been filed in the present case.

4. It is averred that the marriage between petitioner and Respondent No.2 was solemnized on 25.02.2019 as per Muslim

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customs, rites and ceremonies. Two children were born out of the said wedlock. Thereafter, due to matrimonial discord, some misunderstandings took place between the parties, due to which the petitioner and Respondent No. 2 started living separately.

5. Subsequently, Respondent No.2 made a complaint against the petitioner alleging that the petitioner pronounced *talaq* upon her verbally and that he also threatened to kill her if she called the police. The same later culminated into the aforementioned FIR No. 545/2021.

6. The present petition is filed on the ground that the matter is amicably settled between the parties on their own free will, without any force, pressure, undue influence, misrepresentation or mistake. The parties also signed a Deed of Settlement on 22.12.2023 to this effect. The petitioner and Respondent No.2 also duly executed a Deed of Dissolution of Marriage / Talaq-E-Mubarat on 16.12.2023.

7. In terms of settlement dated 22.12.2023, the matter was settled for a sum of ₹5,00,000/-. It is stated that out of the total settlement amount, ₹3,00,000/- has already been paid to Respondent No.2 and a sum of ₹1,00,000/- is paid today in Court.

8. It is stated that the remaining ₹1,00,000/- is to be paid on quashing of FIR No. 499/2023, registered at Police Station Jaitpur, for offences under Sections 498A/406/34 of the IPC for which a separate petition is filed.

9. The learned counsel for the parties submit that the parties have since moved on in life and have also obtained divorce. The two children of the parties are in the custody of Respondent No.2.

10. The parties are present before this Court in person and



have been duly identified by the Investigating Officer.

11. Respondent No.2, on being asked, states that she does not wish to pursue the proceedings arising out of the present FIR, and has no objection if the proceedings are quashed.

12. Offence under Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 is compoundable at the instance of the Muslim woman upon whom *talaq* is pronounced. Offence under Section 506 of the IPC is also compoundable.

13. Keeping in view the nature of dispute and that the parties have amicably entered into a settlement, this Court feels that no useful purpose would be served by keeping the dispute alive and continuance of the proceedings would amount to abuse of the process of Court. No useful purpose would be served by relegating the parties to the learned Trial Court for filing an application to compound the offence.

14. In view of the above, FIR No.545/2021 and all consequential proceedings arising therefrom are quashed.

15. It is made clear that this Court has not gone into the legality of the settlement entered between the parties.

16. It is also clarified that the legal rights of the minor children will not be affected in any manner whatsoever by the present order.

17. The present petition is allowed in the aforesaid terms.

AMIT MAHAJAN, J

MAY 29, 2024

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