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

+ **CRL.M.C. 4564/2024**

**SH MOHD ISMAIL @ MOHAMMAD ISMAIL
& ANR.**

..... Petitioners

Through: Mr Ajay M. Lal, Advocate along with
petitioners in person.

versus

THE STATE GOVT OF NCT OF DELHI & ANR..... Respondents

Through: Mr Hitesh Vali, APP for the State
with SI Vijay Pal Singh, PS CWC
Nanakpura.
Mr Najir Ali, Advocate for R-2 along
with R-2 in person.

**CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN**

ORDER
29.05.2024

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CRL.M.A. 17169/2024 & CRL.M.A. 17170/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 4564/2024

2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0112/2009 under Sections 498A/406/34 IPC registered at Police Station Crime Women Cell, Nanakpura, Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

3. Issue notice. The learned APP 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.

4. The petitioner no.1 (former husband) and petitioner no.2, mother of the petitioner no.1, as well as, respondent no. 2 (former wife) are present in the Court and they have been identified by their respective counsel and by the Investigating Officer SI Vijay Pal Singh, PS CWC Nanakpura.

5. The brief facts of the case are that marriage between the petitioner no.1 and respondent no. 2 was solemnized on 14.03.2002 according to Muslim Rites and Customs. Out of the said wedlock, two children, namely, Suleman and Izhan were born, who are in the care and custody of the respondent no.2.

6. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 18.01.2008. The dispute between the parties also led to the registration of present FIR.

7. During the pendency of the proceedings, the parties were referred to Delhi Mediation Centre, Tis Hazari Courts, Delhi, where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 12.01.2024, a copy of which is annexed as Annexure P-3 to the present petition.

8. In terms of the said settlement, the parties decided to give talaq to each other with mutual consent. Accordingly, the petitioner no.1 has pronounced 'talaq' dated 08.01.2024 as per Shariat Law *qua* the respondent no.2 in the presence of the witnesses. A copy of Mubarat-nama (deed of dissolution of marriage by way of mutual consent) is annexed as Annexure-P-4 (Colly.) to the present petition.

9. It is a term of the settlement between the parties that the petitioner no.1 shall pay a total sum of Rs.21,33,000/- to the respondent no.2 towards



full and final settlement of all her claims on account of *mehar*, permanent alimony, dowry articles, maintenance (past, present and future) etc. The entire amount of Rs.21,33,000/- has been paid by the petitioner no.1 to the respondent no.2 in the manner as stated in the settlement, receipt of which is acknowledged by the respondent no.2, who is present in court.

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

11. 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.

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

13. Consequently, the petition is allowed and the FIR No.0112/2009 under Sections 498A/406/34 IPC registered at Police Station Crime Women Cell, Nanakpura, Delhi alongwith all other proceedings emanating therefrom, is quashed.

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

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

MAY 29, 2024/MK

VIKAS MAHAJAN, J