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

+ **W.P.(CRL) 2564/2023**

MOHD. AASIF & ORS.

..... Petitioners

Through: Mr. Pradeep Kumar, Advocates
alongwith petitioners in person

versus

THE STATE GOVT OF NCT OF DELHI & ANR.Respondents

Through: Mr. Anand V. Khatri, ASC for the
State with SI P. Kumar Singh, P.S.
Seema Puri.
Respondent no. 2 in person

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

11.03.2024

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CRL.M.A. 24200/2023 (exemption)

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

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3. The instant petition under Article 226 of the Constitution of India read with 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. 389/2020 registered at Police Station Seemapuri, Delhi for offence punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 ('IPC') and Section 3/4 Dowry Prohibition Act, 1961 and all consequential proceedings emanating therefrom.



4. Petitioners are present before this Court and have been identified by their counsel Mr. Pradeep Kumar and Investigating Officer (IO) SI P. Kumar Singh from Police Station Seemapuri, Delhi.

5. Brief facts of the present case are that the marriage between petitioner no.1 and respondent no. 2 was solemnized on 05.11.2017 according to Muslim rites and ceremonies. No child was born out of the said wedlock. It is stated that due to temperamental differences between the parties, both the parties started living separately since 06.06.2019. It is stated that on the complaint of respondent no. 2, the present FIR bearing no. 389/2020 was registered at Police Station Seemapuri, Delhi against the petitioners for offence punishable under Sections 498A/406/34 of IPC and Section 3/4 Dowry Prohibition Act. It is stated that during the pendency of the case, with the intervention of respectable persons of the society, both the parties have amicably settled all their disputes *vide* Memorandum of Understanding dated 21.09.2022 and have dissolved their marriage by mutual consent, in accordance with law.

6. 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 *vide* Memorandum of Understanding dated 21.09.2022 and that they have obtained decree of divorce by mutual consent.

7. 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.

8. Today, the complainant who is present in Court states that she has no objection, if the FIR is quashed.

9. 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.

10. Accordingly, FIR bearing no. 389/2020 registered at Police Station Seemapuri, Delhi for offence punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 ('IPC') and Section 3/4 Dowry Prohibition Act, 1961 and all consequential proceedings emanating therefrom are quashed.

11. The present petition stands disposed of.

12. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MARCH 11, 2024/ns

Click here to check corrigendum, if any