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

+ **CRL.M.C. 5195/2024**

TOSHIF AHMAD & ORS.Petitioners

Through: **Mr. Anuj Soni, Advocate.**

versus

STATE OF DELHI & ANRRespondents

Through: **Mr. Utkarsh, APP for the State with
SI Anugraha, P.S. Welcome.
Mr. K.B. Khan, Advocate for R-2.**

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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17.09.2024

CRL.M.C. 5195/2024

By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973, the petitioners, who are the former husband and in-laws of the complainant/respondent No. 2, seek quashing of case FIR No. 0494/2019 dated 25.09.2019 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') and section 4 of the Dowry Prohibition Act, 1961 ('Dowry Prohibition Act') at P.S.: Welcome, Delhi.

2. The petition is premised on Settlement Deed dated 29.04.2022 ('Settlement Deed') arrived at through mediation before the Delhi Mediation Centre, Karkardooma District Courts, Delhi; and Divorce Deed/Mubarat Deed dated 12.05.2022 ('Divorce Deed') by which petitioner No. 1 and respondent No. 2 have dissolved their marriage in accordance with applicable personal law.



3. The petition is also supported by affidavits of the petitioners, as also of respondent No. 2, alongwith proof of their IDs.
4. The contesting parties are present in court. Their credentials have been verified and they have also been identified by their respective counsel and by the Investigating Officer.
5. The court has queried respondent No. 2, who confirms that she has taken divorce by mutual consent as recorded in the divorce deed; and that a settlement deed has been entered into between petitioner No.1 and respondent No. 2. Respondent No. 2 confirms that all aspects of the settlement have been performed.
6. Since the copy of Divorce Deed dated 12.05.2022 appended to the petition appears to be incomplete, learned counsel appearing for respondent No.2 has handed-up the original divorce deed, which clearly records that petitioner No.1 has divorced respondent No.2 by pronouncing *talaq* on 03 separate dates, at a gap of about a month each, which parties agree is in consonance and accord with Muslim personal law, rites and customs that the parties follow.
7. Mr. Utkarsh, learned APP confirms that the State has no objection to the subject FIR being quashed.
8. In the circumstances, in line with the law laid down by the Supreme Court in *Gian Singh vs. State of Punjab & Anr.* reported as (2012) 10 SCC 303 as also in *Narinder Singh & Ors. vs. State of Punjab & Anr.* reported as (2014) 6 SCC 466, this court sees no reason why the subject FIR and all proceedings emanating therefrom should not be quashed. This court is of the view that in light of the settlement between the contesting parties, continuing with the subject FIR and all



subsequent proceedings would be an exercise in futility and would not be conducive to peace and harmony between the parties.

9. Though the settlement deed also records that the 02 minor sons of petitioner No.1 and respondent No. 2 - Tehzib Ahmad and Tabish Ahmad - shall remain in the custody of respondent No.2 and petitioner No.1 shall have no visitation rights to his sons, it is made clear that nothing in this settlement agreement would affect the right of the minor children to meet their father, if and when they so desire, subject to logistical convenience of the parties.
10. Needless to also add that the settlement between petitioner No.1 and respondent No. 2 leading to the closure of all criminal proceedings by way of the present order will in no way affect the property rights and other rights of the minor children *vis-à-vis* their father, as may be available to them under law, in any manner whatsoever.
11. Accordingly, FIR No. 0494/2019 dated 25.09.2019 registered under sections 498-A/406/34 IPC and section 4 of the Dowry Prohibition Act at P.S.: Welcome, Delhi is quashed. All proceedings arising therefrom also stand closed.
12. Petition stands disposed-of.
13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 17, 2024/V.Rawat