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

+ W.P.(CRL) 2052/2024, CRL.M.A. 19927/2024

REHMAN AHMED

.....Petitioner

Through: Mr. B.K. Patra, Mr. Kiran Yadav, Ms.
Khushboo Gupta, Advs.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel,
Mr. Abhinav Kr. Arya, Mr. Priyam
Agarwal, Advs. for the State with SI
Ranjana, PS Bindapur

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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19.09.2024

1. The present petition has been filed under Article 226 of the Constitution of India r/w Section 482 Cr.P.C. seeking quashing of the FIR No. 0770/2021 registered under Section 498A/406/34 IPC at PS: Bindapur, South West Delhi, Dwarka and all other proceedings emanating therefrom.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 12.01.2019 in accordance with the Muslim Rites and Ceremonies and no child was born out of the said wedlock. However, on account of temperamental differences and mental incompatibility, the parties started living separately and instituted multiple litigations against each other and their respective families



including the present FIR.

3. Learned Counsel further submits that during the pendency of the proceedings, the parties have resolved their disputes amicably, and in furtherance thereof, they have entered into a Memorandum of Understanding dated 10.08.2023.
4. Furthermore, the Learned Counsel for the petitioner submits that since the parties have resolved all their differences amicably, therefore, it would be in the interest of justice to quash FIR no. 0770/2021 registered under Section 498A/406/34 IPC at PS: Bindapur, South West Delhi, Dwarka and all the other proceedings emanating therefrom.
5. I have gone through the Memorandum of Understanding dated 10.08.2023 which has been placed on record. The Memorandum of Understanding provides for the following terms and conditions:

“1. That due to temperamental differences the parties started to live separately from 12.01.2021.

2. That the First Party filed a petition u/s. 2 of Muslim Marriage Act for dissolution of marriage, which case is pending before Dwarka Court.

AND WHEREAS *the First Party shall withdraw the above mentioned case after recording of statement of both the parties.*

AND WHEREAS *this Memorandum of Understanding has been executed voluntarily by both the parties on their own free Will and accord without any pressure, inducement, force, compulsion or threat whatsoever.*

AND WHEREAS *the parties to this Memorandum of Understanding are of sound health and mind. They understand all the pros and cons of their acts, T- conducts and its connected implications.”*



6. It is settled that the inherent powers under section 482 of the Code are required to be exercised to secure the ends of justice or to prevent abuse of the process of any court. Further, the High Court can quash non-compoundable offences after considering the nature of the offence and the amicable settlement between the concerned parties. Supreme Court and this Court have repeatedly held that the cases arising out of matrimonial differences should be put to a quietus if the parties have reached an amicable settlement. Reliance may be placed upon: ***B.S. Joshi v. State of Haryana***, (2003) 4 SCC 675; ***K. Srinivas Rao v. D.A. Deepa***, (2013) 5SCC 226; ***Yashpal Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another***, 2019 SCC OnLine Del 8179.
7. Both parties are present in court (Respondent no. 2 has appeared through VC) and have been duly identified by the IO. Respondent No. 2 submits that she has entered the settlement voluntarily without any fear, force, or coercion. She submits that other petitions have already been withdrawn or dismissed. And since the marriage between the parties has also been dissolved as per Muslim Rites, she has no objection if FIR no. 0770/2021 registered under Section 498A/406/34 IPC at PS: Bindapur, South West Delhi, Dwarka and all the other proceedings emanating therefrom are quashed.
8. Taking into account the totality of facts and circumstances of the case, this court considers that the parties have entered into an amicable settlement out of their own free will, without any fear, force or coercion and they should be given an opportunity to lead their lives peacefully. No purpose will be served in continuing with the trial.
9. In view of the above, FIR no. 0770/2021 registered under Section



498A/406/34 IPC at PS: Bindapur, South West Delhi, Dwarka and all the other proceedings emanating therefrom are quashed.

10. The present petition along with all the pending applications stand disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 19, 2024

JN/KR..