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

+ **CRL.M.C. 5814/2024**

MOHD. OWAIS & ANR.

.....Petitioners

Through: Ms. Nasreen, Advocate with
petitioners in person.

versus

STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP for
State.

Ms. Shagufta Afroz, Advocate for
R-2 with R-2 in person.

S.I. Ranjana, PS Subzi Mandi, Delhi.

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+ **CRL.M.C. 5755/2024**

MOHD. OWAIS & ORS.

.....Petitioners

Through: Ms. Nasreen, Advocate with
petitioners in person.

versus

STATE (NCT OF DELHI) THROUGH SHO & ANR.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP for
State.

Ms. Shagufta Afroz, Advocate for
R-2 with R-2 in person.

S.I. Ranjana, PS Subzi Mandi, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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30.07.2024

CRL.M.A. 22216/2024 (Exemption) in CRL.M.C. 5814/2024

CRL.M.A. 21964/2024 (Exemption) in CRL.M.C. 5755/2024

1. Allowed, subject to all just exceptions.



2. The applications are disposed of.

CRL.M.C. 5814/2024 & CRL.M.C. 5755/2024

3. The present Petitions under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as “Cr.P.C., 1973”*) have been filed on behalf of the petitioners seeking to quash the FIR No. 469/2023 registered under Sections 376/377/506/34 of the Indian Penal Code, 1860 (*hereinafter referred to as “IPC, 1860”*) at Police Station Subzi Mandi, Delhi and FIR No. 130/2018 registered under Sections 498A/406/34 of IPC, 1860 at Police Station Subzi Mandi, Delhi.

4. Issue notice.

5. Mr. Satinder Singh Bawa, learned Additional Public Prosecutor appearing on advance notice, accepts notice on behalf of the State.

6. Ms. Shagufta Afroz, learned counsel appearing on advance notice, accepts notice on behalf of the respondent No. 2.

7. Brief facts of the case are that the marriage was solemnized between petitioner No. 1 and respondent No. 2 on 21.03.2017 according to Muslim rites and ceremonies and no child was born from the said wedlock.

8. It is further submitted that in the year 2018, on the complaint of the respondent No. 2, an FIR No. 130/2018 was registered under Sections 498-A/406/34 of IPC, 1860 at Police Station Subzi Mandi, Delhi against the petitioners and also in the year 2023, a fresh FIR No. 469/2023 was registered under Sections 376/377/506/34 of IPC, 1860 at Police Station Subzi Mandi, Delhi against the petitioners.

9. It is submitted that the Chargesheet in FIR No. 130/2018 has been filed and the charges have also been framed *vide* Order dated 20.04.2023.

10. The Criminal Case No. 735/2023 arising out of FIR No. 469/2023 is



still pending adjudication before the Trial Court.

11. On 07.03.2024, during the hearing of Criminal Case No. 735/2023 arising out of FIR No. 469/2023, the petitioner No. 1 and the respondent No. 2 made a statement that they have settled all their dispute and difference and the said statement was recorded by the learned Magistrate to this effect on 007.03.2024.

12. It is submitted that the parties have amicably settled all the disputes and differences between them *vide* Memorandum of Understanding dated 23.03.2024 which *inter alia* states that: -

- (i) That the petitioner No. 1 and the respondent No. 2 shall file a joint petition for divorce by way of *Mubarat*/mutual consent under Section 2 of Muslim Personal Law (Shariat) Application Act, 1937 read with Section 7 of Family Courts Act,
- (ii) That the petitioner No. 1 shall pay a total sum of Rs. 8,60,000/- to the respondent No. 2 towards full and final settlement of her all claims, past, present and future,
- (iii) That the first instalment of Rs. 4,30,000/- shall be paid to the respondent No. 2 by the petitioner No. 1 at the time of recording of statement in *Mubarat* Petition for divorce by mutual consent,
- (iv) That the second instalment of Rs. 4,30,000/- shall be paid to the respondent No. 2 by the petitioner No. 1 at the time of quashing of FIRs,
- (v) That the dowry articles shall be handed over by the petitioner No. 1 to the respondent No. 2 after the completion of divorce proceedings and the expenses of transit of those articles shall be borne by both the parties in equal proportions,



- (vi) That both the parties have agreed to withdraw all the pending litigations filed against each other at the time of statement *Mubarat* Petition for divorce by mutual consent,
13. The marriage between the petitioner No. 1 and the respondent No. 2 had been dissolved *vide* Decree of Divorce dated 19.04.2024.
14. In view of the Memorandum of Understanding dated 23.03.2024, the present petitions have been filed.
15. The petitioners and the respondent No. 2/wife are present before this Court in-person today, and they have been identified by their counsel and Investigating Officer concerned.
16. The first instalment of Rs. 4,30,000/- has already been paid to the respondent No. 2 by the petitioner No.1 *vide* Demand Draft No. 012940 dated 19.04.2024, drawn on State Bank of India.
17. Today in the Court, the petitioner has handed a Demand Draft bearing No. 320337, dated 15.05.2024 in the sum of Rs. 4,30,000/-, made in favour of Frahat Shabnam/respondent No. 2, drawn on State Bank of India, Branch Anaj Mandi, Shahdara, Delhi and the same has been accepted by the respondent No. 2.
18. The parties have submitted that all the disputes have been amicably settled *vide* Memorandum of Understanding dated 23.03.2024 and thus, no fruitful purpose will be served in continuing with the FIR.
19. The present petition has been signed by the petitioners and is supported by affidavit of petitioners. The parties have reaffirmed the terms of the settlement and they also submit that the said settlement has been arrived at between the parties without any pressure and coercion.
20. Today, the complainant/respondent No. 2/wife, who is present in



Court, states that she has amicably settled all the disputes and has received all the amounts due to her and has no objection if the FIR is quashed.

21. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion and also the fact that the present matter is a family matter, no useful purpose will be served in continuing with the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

22. Moreover, there is no legal impediment in quashing the FIR in question.

23. Accordingly, FIR bearing No. 469/2023 registered at Police Station Subzi Mandi, Delhi, for offences punishable under Sections 376/377/506/34 of IPC, 1860 and FIR bearing No. 130/2018 registered at Police Station Subzi Mandi, Delhi, for offences punishable under Sections 498A/406/34 of IPC and all consequential proceedings emanating therefrom are quashed.

24. The petitions stand disposed of.

NEENA BANSAL KRISHNA, J

JULY 30, 2024

S.Sharma