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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5968/2024**
MOHMD. MUJAHID NADAF AND ORSPetitioners
Through: Mr. Aashutosh Ahuja and Mr. Kshitij
Goel, Advocates.
versus

STATE OF NCT OF DELHI AND ANR.Respondents
Through: Mr. Utkarsh, APP for the State.
SI Lovleen, P.S. Moti Nagar.
Mr. Manoj Joshi, Adv. for R2.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **02.08.2024**

CRL.M.A. 22801/2024 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CRL.M.C. 5968/2024

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. 421/2016 dated 27.08.2016 registered under sections 498-A/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Moti Nagar, Delhi. The petition is premised on Settlement Deed dated 15.12.2023 arrived at through mediation before the Counselling Cell, Family Courts, Tis Hazari, Delhi.



2. The petition is also supported by affidavits of the petitioners as also of respondent No. 2, alongwith proofs of their I.D.s.
3. Petitioner No.1 as well as respondent No. 2 are present in court. Their credentials have been verified and they have also been identified by their respective counsel. Petitioner No.1 states that petitioners Nos.2 & 3 (*i.e.* his father and mother) are unable to be present in court since their train from Bihar has got delayed.
4. The court has queried Ms. Sanjida Khatoon @ Arshi , respondent No. 2, who confirms that she has taken divorce by mutual consent according to the Sharia Law; and that a settlement deed has been entered into between the parties; and that in full-and-final settlement of all her claims including towards maintenance (past, present and future), *Mehar, Iddat*, dowry articles, jewellery, permanent alimony, etc., she was to receive a sum of Rs. 3,20,000 /- from petitioner No. 1; out of which Rs. 2,20,000 /- was paid earlier and Rs. 1,00,000/- has been paid to her in court today, in compliance of the terms of the settlement deed. Respondent No. 2 confirms that all aspects of the settlement have now been performed.
5. It is noticed however, that petitioner No.1 and respondent No.2 have placed reliance on a 'Divorce Letter' dated 11.01.2024 issued by one Ali Ahmad Qasmj, stated to be a *Maulana*, who the parties assert is entitled under Sharia law to confirm their divorce by mutual consent. However, while this court acknowledges that respondent No.2 has confirmed that she has taken divorce by mutual consent from petitioner No.1; and that 'Divorce Letter' dated 11.01.2024 evidences that divorce, it is clarified that this court is not delving into the



validity or otherwise of such divorce; and that the present proceedings are confined only to the quashing of the subject FIR.

6. Furthermore, one of the terms of the settlement signed between the parties under the aegis of the Counselling Cell of the Family Courts at Tis Hazari Court, Delhi is that the parties have an 08-year old son, namely Md. Sajid, who shall remain in the custody of respondent No.2 (mother) and that petitioner No.1 shall have no visitation rights.
7. In that regard, it is clarified that regardless of what is recorded in the settlement between the parties, that would not prevent the son from engaging and interacting with his parents, including his father, as he may desire.
8. Furthermore, nothing in this order shall affect the rights of the child to the property of his father, as may be available to him under applicable law.
9. Mr. Utkarsh, learned APP confirms that the State has no objection to the subject FIR being quashed.
10. 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.



11. Accordingly, FIR No. 421/2016 dated 27.08.2016 registered at P.S.: Moti Nagar, Delhi is quashed. All proceedings arising therefrom also stand closed.
12. Needless to reiterate that the settlement between the parties leading to the closure of all criminal proceedings by way of the present order will in no way affect the rights of the minor child namely Md. Sajid *vis-à-vis* his father, as may be available under law, in any manner whatsoever.
13. Petition stands disposed-of.
14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

AUGUST 2, 2024
V.Rawat