



\$~29

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

+ **CRL.M.C. 5970/2024**

**MD IRFAN QURESHI**

.....Petitioner

Through: Mr. Shahid Ali, Mr. Sameer Tayyeb,  
Mr. Monis Rais, Mr. Mohd. Salman  
and Mr. Shahrukh Khan, Advocates.

Versus

**STATE THOROUGH SHO PS WELCOME AND ANR**

.....Respondents

Through: Ms. Shubhi Gupta, APP for the State.  
Mr. Subhash Pal and Mr. Sunny,  
Advocates for respondent No. 2 with  
respondent.

**CORAM:**

**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**ORDER**

**05.11.2024**

%

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks quashing of case FIR No.748/2014 dated 22.12.2014 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') and section 4 of Dowry Prohibition Act, 1961 ('Dowry Prohibition Act') at P.S.: Welcome Colony, Delhi.

2. The petition is premised on settlement dated 30.11.2023 arrived at through mediation before the Delhi Mediation Centre, Karkardooma Courts, Delhi.
3. The parties are stated to have been living apart since 2011.
4. The petition is supported by affidavits of the petitioner, as also of respondent No. 2, alongwith proof of their IDs.
5. The petitioner 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.

6. The parties have confirmed that two children, viz Mohd. Arman and Mohd. Adnan were born from the wedlock, and the latter is 'minor' as of date.
7. The court has queried respondent No.2, who confirms that settlement dated 30.11.2023 has been signed between the parties; and that in full-and-final settlement of all her claims including towards *mehr*, *iddat* expenses, maintenance (past, present and future), *stridhan*, dowry articles, jewellery, permanent alimony, etc., she was to receive a sum of Rs.36,00,000/- from petitioner, which amount has already been paid by the petitioner to her, in compliance of the terms of the settlement. Respondent No.2 confirms that all aspects of the settlement have now been performed.
8. Ms. Shubhi Gupta, learned APP confirms that the State has no objection to the subject FIR being quashed.
9. 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.
10. Accordingly, case FIR No.748/2014 dated 22.12.2014 registered



under sections 498-A /406/34 of the IPC and section 4 of the Dowry Prohibition Act at P.S.: Welcome Colony, Delhi is quashed. All proceedings arising therefrom also stand closed.

11. Though the settlement deed also records that the parties' children shall remain in the custody of respondent No.2, it is made clear that nothing in this settlement agreement would affect the rights of the minor child to meet his father, if and when he so desires, subject to logistical convenience of the parties.
12. Needless to add 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 property rights and other rights of the children, namely Mohd. Arman and Mohd. Adnan *vis-à-vis* their father, as may be permissible under the personal law by which they are governed, in any manner whatsoever.
13. Petition stands disposed-of in the above terms.
14. Pending applications, if any, also stand disposed-of.
15. It is also made clear that this court has not made any observations as to the validity or otherwise of the divorce between the parties.

**ANUP JAIRAM BHAMBHANI, J**

**NOVEMBER 5, 2024**

SS