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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 6847/2022 & CRL.M.A. 26528/2022
SH RISHABH & ORS. Petitioners
Through: Mr.Sandeep Garg, Adv.
versus
THE STATE (NCT OF DELHI) & ANR. Respondents
Through: Mr.Satinder Singh Bawa, APP
with SI Kusum
Mr.Baldev Raj, Mr.S.S. Tyagi
and Ms.Shikha Tyagi, Advs. for
R-2 along with R-2 in person.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **07.02.2024**

1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No. 122/2019 registered at Police Station: Mandir Marg, New Delhi under Sections 406/498A/34 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of a settlement.
2. This Court vide its Order dated 16.12.2022 had observed as under:

"4. It would appear therefore, that the divorce letter/mutual consent certificate is premised on a form of Triple Talaq. If that be so, such Talaq is void and illegal in view section 3 of the Muslim Women (Protection of Rights on Marriage) Act, 2019. Furthermore, in the course of submissions made, it transpires that petitioner No. 1 had infact moved a civil suit before the learned Civil Judge seeking declaration that based on the said divorce letter/mutual consent certificate the marriage



between the parties stands dissolved, which suit stands dismissed. However, there is no reference to such suit in the petition; nor has the plaint or the orders in the suit been placed on record.

5. In view of the above, before proceeding further in the matter, let counsel for the petitioner address the court on the validity of the divorce letter/mutual consent certificate on which he places reliance, especially in view of the dismissal of the suit referred to above. Let a complete copy of the suit along with its order-sheets be also placed on record, before the next date.”

3. Today, the learned counsel for the petitioners, placing reliance on the judgement of the High Court of Kerala in ***Saheer v. State of Kerala & Ors.*** 2023/KER/70001, submits that, in the present case, the petitioner no.1 has taken divorce from the respondent no.2 under Talaq-e-hasan. He submits that the said form of divorce is not prohibited under the Section 3 of the Muslim Women (Protection of Rights on Marriage) Act, 2019, and is legal and valid under the Muslim Personal Law.

4. The learned counsel for the petitioners submits that the parties, that is, the petitioner no.1 and the respondent no.2 have settled their *inter se* disputes before the Delhi Mediation Centre, Patiala House Court, New Delhi vide Mediation Settlement dated 12.10.2021. He also hands over a demand draft of Rs.1.50 lacs to the respondent no.2, who is personally present in Court and has been duly identified by the Investigating Officer (IO). The respondent no.2 reaffirms that she has settled all the disputes with the petitioners out of her own free will and without any coercion. The respondent no.2 submits that she has no objection if the present FIR is quashed.

5. I have perused the contents of the FIR and also the settlement



between the parties.

6. Keeping in view the fact that the respondent no.2 does not wish to pursue her complaint any further, as also the Settlement arrived at between the parties, I find that no useful purpose shall be served in continuing with the proceedings of the present FIR as the chances of its success will be rather minuscule and it would rather create further acrimony between the parties and will be an unnecessary burden on the State exchequer.

7. Guided by the principles enunciated by the Supreme Court in its judgments in *Jitendra Raghuvanshi v. Babita Raghuvanshi*, (2013) 4 SCC 58; *Gian Singh v. State of Punjab*, (2012) 10 SCC 303; *Parbatbhai Aahir @ Parbatbhai Bhimsinbhai Karmur & Ors. v. State of Gujarat & Ors.* (2017) 9 SCC 641 and *State of Haryana & Ors. v. Bhajan Lal & Ors.* 1992 Supp (1) SCC 3, this Court deems it appropriate, in the interest of justice, to exercise its inherent powers under Section 482 of the Cr.P.C. to quash the FIR and all the proceedings emanating therefrom.

8. Accordingly, the petition is allowed. FIR No. 122/2019 registered at Police Station: Mandir Marg, New Delhi under Sections 406/498A/34 of IPC and all consequential proceedings emanating therefrom against the petitioners are quashed.

9. The pending application is also disposed of as infructuous.

10. *Dasti.*

NAVIN CHAWLA, J

FEBRUARY 7, 2024/ns/AS

[Click here to check corrigendum, if any](#)