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

+ **CRL.M.C. 6315/2024**

MOHD YASEEN AND ANR

.....Petitioners

Through: Mr. Vijay Kumar Ravi, Mr. Sanjay Singh, Mr. Deevansh Aggarwal & Mr. Umesh, Advocates with petitioners in person.

versus

THE GOVT OF N C T DELHI AND ORS & ANR.Respondents

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

Respondent Nos. 2 & 3 in person.

S.I. Mahendra Patel, PS Narela, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

14.08.2024

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CRL.M.A. 24151/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

CRL.M.C. 6315/2024

3. The present Petition under Section 482 of the Code of Civil Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) has been filed on behalf of the petitioners seeking to quash the FIR No. 400/2016 registered under Sections 365/406/498A/323/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Narela, Delhi.

4. Brief facts of the case are that the marriage was solemnized between petitioner No. 1 and respondent No. 3 on 24.11.2010 according to Muslim rites and ceremonies and no child was born from the said wedlock.



5. It is submitted that since after the marriage, the respondent No. 2 has been subjected to cruelty and demand of dowry by all the petitioners.

6. It is further submitted that due adjustment issues between the petitioner No. 1 and the respondent No. 2 (mother of respondent No. 3) and the brother, namely, Mohseen, of the petitioner No. 1 left the respondent No. 3 to her matrimonial home on 17.12.2014 and since then, she has been residing at her matrimonial home.

7. It is asserted that the respondent No. 3 went out for some banking work on 29.07.2015 and she was got kidnapped on her way to bank.

8. On coming to know that the petitioner No. 1 was going to re-marry, the respondent No. 2 went to place of remarriage and protested and even threatened to be killed by the family of petitioner No. 1.

9. It is submitted that on the complaint of respondent No. 2, an FIR bearing No. 400/2016 under Sections 365/406/498A/323/34 of the IPC, 1860 got registered at Police Station Narela, Delhi and also the Chargesheet has been filed in the said FIR, which is pending before the learned Trial Court Delhi.

10. It is further submitted that during the pendency of litigation, the parties have settled all the disputes and differences between them *vide* Settlement Agreement dated 06.06.2017 which *inter alia* states that: -

(i) That the respondent No. 3/wife and the petitioner No. 1/husband shall dissolve their marriage in accordance with Muslim Law,

(ii) That the petitioner No. 1 shall pay a total sum of Rs. 1,50,000/- to the respondent No. 3/wife as well as articles as mentioned in a list enclosed as Annexure 'A' with the settlement towards full and final



settlement of all her claims, present, past and future,

- (iii) That the first instalment of Rs. 50,000/- shall be paid by the petitioner No. 1 to the respondent No. 3/wife on 10.07.2017,
- (iv) That the second instalment of Rs. 50,000/- shall be paid by the petitioner No. 1 to the respondent No. 3/wife on 10.08.2017,
- (v) That the third instalment of Rs. 50,000/- shall be paid by the petitioner No. 1 to the respondent No. 3/wife on 10.09.2017,
- (vi) That the parties shall withdraw all the pending cases filed against each other,
- (vii) That the parties shall file the petition for quashing of present FIR.

11. It is also stated that the marriage between the petitioner No. 1 and the respondent No. 3/wife has been dissolved *vide Talaqnama*.

12. In view of the Settlement Agreement dated 06.06.2017, the present petition has been filed.

13. The petitioners and the respondent Nos. 2 and 3 are present in person in the Court today, and they have been identified by their counsel and Investigating Officer concerned.

14. It is further submitted that all the agreed amount of Rs. 1,50,000/- has been paid to the respondent No. 3 by the petitioner No. 1 viz, the aforesaid three instalments. In addition to the agreed amount, an amount of Rs. 5,000/- has also been paid by the petitioner No. 1 to the respondent No. 3.

15. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Agreement dated 06.06.2017 and thus, no fruitful purpose will be served in continuing with the FIR.

16. The present petition has been signed by the petitioners and is



supported by their affidavits. The parties have endorsed and 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.

17. Today, the respondent Nos. 2 and 3, who are present in the Court, state that they have settled all the disputes and have no objection if the FIR is quashed.

18. 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.

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

20. Accordingly, FIR bearing No. 400/2016 registered at Police Station Narela, Delhi, for offences punishable under Sections 365/406/498A/323/34 of IPC, 1860 and the Chargesheet and all consequential proceedings emanating therefrom are quashed.

21. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 14, 2024

S.Sharma