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

+ **CRL.M.C. 6649/2024**

SAIDUL SARDAR

.....Petitioner

Through: Mr. Ravi Dhankar and Mr. Deepak
Panwar, Advocates with petitioner.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Nawal Kishore Jha, APP for the
State with SI Sachin, P.S. Seema Puri.
Counsel for R2 (appearance not
given) with R2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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27.08.2024

CRL.M.A. 25392/2024 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

**CRL.M.C. 6649/2024 (under Section 482 CrPC filed by the petitioner
for quashing of Fir No. 129/2020)**

3. The Petition under Section 482 of the Code of Criminal Procedure (*hereinafter referred to as 'CrPC, 1973'*) has been filed on behalf of the petitioner for quashing of FIR No. 129/2020 for the offence under Section 498-A/406/34 of the Indian Penal Code (*hereinafter referred to as 'IPC, 1860'*) registered at Police Station Seema Puri, Delhi.
4. Issue notice.



5. Mr. Nawal Kishore Jha, learned APP appearing on advance notice, accepts notice on behalf of the State.

6. Brief facts of the case are that the marriage was solemnized between petitioner No. 1/husband and respondent No. 2/wife on 10.12.2012, according to the Muslim rites and ceremonies and one male child was born out of the said wedlock.

7. It is submitted that due to some misunderstanding and temperamental differences developed between the petitioner and the respondent No. 2, the respondent No. 2 had been living at her parental home since 24.08.2017 and thereafter, she lodged the complaint against the petitioner with the Assistant Commissioner of Police, CAW Cell, District Shahdara, Delhi. Thereafter, on 15.10.2021, a case under Section 12 of D.V. Act, Case No. 1392/2021 was filed by the respondent No. 2 against the petitioner in the Court of learned Metropolitan Magistrate (Mahila Court), Shahdara, which was referred to Mediation Centre, Karkardooma Courts.

8. It is further submitted that on the complaint of the respondent No. 2, an FIR No. 129/2020 for the offence under Section 498-A/406/34 of the IPC, has been registered at Police Station Seema Puri, Delhi.

9. It is stated that due to intervention of the elders, respectable persons of the society, common friends, well wishers and family members, the petitioner No. 1 and the respondent No. 2 have amicably settled all the disputes and differences between them at Delhi Mediation Centre Karkardooma Courts and arrived at Settlement Deed dated 16.10.2023 wherein it was *inter alia* settled between the parties that they shall join each other as husband and wife along with their minor child w.e.f. 16.10.2023 in a rented accommodation near the vicinity of Seema Puri, Delhi. It is



submitted that the husband shall maintain the wife and minor child and shall bear all their expenses *qua* household, clothing, rent, medical, education etc. It is further submitted that they shall live peacefully by fulfilling their matrimonial obligations towards each other.

10. In view of the Settlement Deed dated 16.10.2023, the present Petition has been filed.

11. The parties are present before this Court in-person today and have been identified by their counsel and Investigating Officer concerned. The parties have endorsed the amicable settlement and accepted the terms thereof voluntarily.

12. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Deed dated 16.10.2023 and thus, no fruitful purpose will be served in continuing with the aforesaid FIR.

13. The present Petition has been signed by the petitioner and is supported by his respective affidavit. The parties have reaffirmed the terms of the settlement arrived at *vide* Settlement Deed dated 16.10.2023 and they also submit that the said Settlement Deed dated 16.10.2023 has been arrived at between the parties, without any pressure and coercion.

14. Today, the respondent No. 2/wife, who is present in Court, states that she has no objection if the aforesaid FIR is quashed.

15. 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 and the parties are now residing together peacefully since the date of Settlement i.e. 16.10.2023, 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.

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

17. Accordingly, FIR No. 129/2020 for the offence under Section 498-A/406/34 of the IPC, registered at Police Station Seema Puri, Delhi and all consequential proceedings emanating therefrom are quashed.

18. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 27, 2024/RS