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

+ **W.P.(CRL) 3725/2023**

ALAMGIR SK

.....Petitioner

Through: Mr. Jai Subhash Thakur, Advocate
with petitioner in person.

versus

THE STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel,
Crl. with Mr. Abhinav Kumar Arya,
Advocate for State.
Respondent No. 2 in person.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

21.08.2024

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1. The present Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 has been filed on behalf of the petitioner seeking to quash the FIR No. 400/2023 registered under Sections 363/366/376 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) and Section 4 of POCSO Act at Police Station Budh Vihar, Delhi.

2. Brief facts of the case are that the petitioner and respondent No. 2 got married on 22.11.2022 in West Bengal and their marriage was duly registered on 15.02.2023 before the Office of the Muslim Marriage Registrar and Kazi (under the Bengal Muhammadan Marriage and Divorces Registration Act, 1876 and under Kazi Act, 1880), Law Department, Government of West Bengal. No child is born out of the said wedlock.



3. It is further submitted that due to some temperamental differences and attitude, the respondent No. 2 gave a written complaint and on the basis of which, the FIR bearing No. 400/2023 under Sections 363/366/376 of the IPC, 1860 and Section 4 of POCSO Act got registered at Police Station Budh Vihar, Delhi.

4. It is also submitted that with the intervention of relatives, family friends as well as counsels, the parties have settled all the disputes and differences between them *vide* Memorandum of Settlement dated 11.12.2023 which *inter alia* states that: -

- (i) That both the parties got married according to Muslim rites and customs,
- (ii) That after the marriage, the parties have been living as husband and wife at the residence of the petitioner and the marriage was duly consummated,
- (iii) That the respondent No. 2 has given a written note to the concerned police station where it is stated that she does want to pursue her complaint,
- (iv) That the respondent No. 2 has no objection to the quashing of FIR,
- (v) That the parties shall remain bound by the terms of the Settlement.

5. In view of the Memorandum of Settlement dated 11.12.2023, the present petition has been filed.

6. The respondent No. 2, who is present in the Court, has stated that she has done love marriage with the petitioner, however, consequently, she had



some issues with the petitioner due to which, she under the misguidance of the people gave a complaint against the petitioner in the Police Station on the basis of which, the present FIR got registered.

7. The petitioner and the respondent No. 2 are present in person in the Court today and they have been identified by their counsel and Investigating Officer concerned.

8. The parties have submitted that all the disputes have been amicably settled *vide* Memorandum of Settlement dated 11.12.2023 and thus, no fruitful purpose will be served in continuing with the FIR.

9. The present petition has been signed by the petitioner and is supported by his affidavit. 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.

10. Today, the complainant/respondent No. 2, who is present in person in the Court, states that she has settled all the disputes with the petitioner and has no objection if the FIR is quashed.

11. 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 present dispute is a family matter and 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.

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

13. Accordingly, the FIR bearing No. 400/2023 registered at Police Station Budh Vihar, Delhi for offences punishable under Sections



363/366/376 of IPC, 1860 and Section 4 of POCSO Act and all consequential proceedings emanating therefrom are quashed.

14. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 21, 2024
S.Sharma