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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 17/2024
MR FAJIL KHAN @ FAZIL KHAN & ORS. Petitioners
Through: Mr. Javed Ahmed, Mr. Inayat Ahmed
and Ms. Rehana Ahmed, Advs.

versus

THE STATE GOVT NCT OF DELHI & ANR. Respondents
Through: Mr. Sanjay Lao, SC for State with
Mr. Abhinav Kumar Arya, Adv. with
SI Vikas Kumar, PS. Bhalswa Dairy.
Mr. Rajiv Mishra and Ms. Suruchi
Yadav, Advs. for respondent no.2.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
05.03.2024

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CRL.M.A. 144/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The present petition has been filed under Article 226 of the Constitution of India read with Section 482 CrPC seeking quashing of FIR No.0025/2022 under Sections 498A/406/34 IPC registered at Police Station Bhalswa Dairy and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. Issue notice. The learned Standing Counsel for the State accepts notice. He submits that since the FIR is an outcome of a matrimonial dispute



and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.

5. The petitioner no.1 (former husband) and petitioner nos.2 to 7, who are close relatives of the petitioner no.1, as well as, respondent no. 2 (former wife) are present in the Court and they have been identified by their respective counsel and by the Investigating Officer SI Vikas Kumar, PS. Bhalswa Dairy.

6. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 23.11.2020 according to Muslim Rites and Customs. No child was born out of the said wedlock.

7. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 07.07.2021. The dispute between the parties also led to the registration of present FIR.

8. During the pendency of the proceedings, the parties were referred to the Delhi Mediation Centre, Rohini District Courts, Delhi where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 20.07.2023, which is annexed as Annexure-B to the present petition.

9. As per the said settlement, the parties agreed to dissolve their marriage mutually.

10. A *Khula-nama* has been executed between the petitioner no.1 and the respondent no.2, a copy of which is annexed at page 83 of the paper book.

11. It is a term of the settlement between the parties that the petitioner no.1 shall pay a total sum of Rs.2,60,000/- to the respondent no.2 towards full and final settlement of all her claims on account of permanent alimony, dowry articles, maintenance (past, present and future) etc. Out of the said



amount, a sum of Rs.1,60,000/- has already been paid by the petitioner no.1 to the respondent no.2 in the manner as mentioned in the settlement. The remaining amount of Rs1,00,000/- has been paid to the respondent no.2 today in the court by the petitioner no.1.

12. The receipt of entire amount of Rs.2,60,000/- is acknowledged by the respondent no.2, who is present in court.

13. The respondent no.2, on a query put by the Court, states that she has no objection in case the FIR is quashed.

14. In view of the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

15. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

16. Consequently, the petition is allowed and the No.0025/2022 under Sections 498A/406/34 IPC registered at Police Station Bhalswa Dairy alongwith all other proceedings emanating therefrom, is quashed.

17. The petition stands disposed of in the above terms.

18. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

MARCH 5, 2024
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