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

+ **CRL.M.C. 83/2024**

MOHD TALIB & ORS.

..... Petitioners

Through: Ms.Niharika Ahluwalia,
Ms.Sonakshi Chaturvedi, Advs.

versus

STATE & ANR.

..... Respondents

Through: Mr.Shoaib Haider, APP
alognwith SI Deepak Sharma.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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05.01.2024

CRL.M.A. 331/2024 (Exemption)

1. Allowed, subject to all just exceptions.

CRL.M.C. 83/2024

2. This petition has been filed by the petitioners seeking quashing of the FIR No.0386/2017 registered at Police Station: Khyala, West District, Delhi under Sections 498A/406/34 of the Indian Penal Code, 1860 (in short, 'IPC') on the basis of a settlement.

3. The petitioner no.1 is the husband of the respondent no.2 and petitioner nos.2 to 5 are the family members of the petitioner no.1.

4. The marriage of the petitioner no.1 and the respondent no.2 was solemnized on 01.12.2014 according to the Muslim Customs and ceremonies. They have been blessed with a baby boy Master Mohd. Hussain. The disputes arose between the petitioner no.1 and the



respondent no.2 which resulted in the filing of the FIR as also other litigations.

5. Now, the parties have settled all their disputes in terms of the Settlement Agreement dated 27.08.2021 recorded before the Delhi Mediation Centre, Tis Hazari Courts, Delhi, which has been filed as Annexure P/2.

6. As per the terms of the settlement, the petitioner has agreed to pay a sum of Rs.15,000/- (Fifteen Thousand Only) besides Mehr of Rs.11,000/- (Eleven Thousand Only) in cash and also to return the articles of the respondent No.2 as per the Annexure 'A' of the Settlement and to also bear the transportation charges to deliver the same to the residence of the respondent no.2. It is also settled that the permanent custody of the minor child shall remain with the respondent no.2. It is stated that pursuant to the settlement, parties have also been granted Divorce vide Deed of Divorce/ *Talaaqnama* dated 03.11.2023.

7. Issue Notice.

8. Notice is accepted by Mr.Shoaib Haider, learned APP for the State.

9. The respondent no.2, who also appears in Court in person, duly identified by the Investigating Officer (IO), affirms the contents of the aforesaid Settlement Agreement. The respondent no.2 informs the Court that she has settled the matter of her own free will and without any coercion. She further states that she has no objection to quashing of the FIR.

10. In view of the judgements of the Supreme Court in *Gian Singh*



v. State of Punjab, (2012) 10 SCC 303, and *Jitendra Raghuvanshi v. Babita Raghuvanshi*, (2013) 4 SCC 58, and considering the aforesaid Settlement arrived at between the parties, I find that there is no use in continuing with proceedings of the present FIR as it would be a misuse of the process of the Court and an unnecessary burden on the State exchequer. Hence, it would be in the interest of justice to quash the aforementioned FIR and all the proceedings pursuant thereto.

11. Accordingly, the petition is allowed. Consequently, the FIR No. 386/2017, registered at Police Station: Khayala, Delhi, under Sections 498-A, 406 and 34 of Indian Penal Code, 1860 and all consequential proceedings emanating therefrom are quashed.

12. Parties shall abide by the terms of the aforesaid settlement.

13. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

JANUARY 5, 2024/Arya/ss

Click here to check corrigendum, if any