



\$~54

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

+ **CRL.M.C. 263/2024**

MASROOR ALI & ORS.

..... Petitioners

Through: Mr R. P. S. Bhatti, Advocate along
with petitioners in person.

versus

**THE STATE (GOVT OF NCT OF DELHI)
& ANR.**

..... Respondents

Through: Mr Raj Kumar, APP for the State
with SI Mahipal, Police Station
Dayalpur.
Mr Zakir Hussain, Advocate for
respondent no.2 along with R-2 in
person.

**CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN**

ORDER
11.01.2024

%

CRL.M.A. 1047/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 263/2024

2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0154/2020 under Sections 498A/406/34 IPC registered at Police Station Dayalpur and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

3. Issue notice. The learned APP 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.

4. The petitioner no.1 (former husband), the petitioners no. 2, 3 and 4, 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 counsels and by the Investigating Officer SI Mahipal, PS Dayalpur.

5. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 11.12.2017 according to Muslim Rites and Customs. No child was born out of the said wedlock.

6. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 14.05.2018. The dispute between the parties also led to the registration of present FIR.

7. During the pendency of the proceedings, the parties were referred to Delhi Mediation Centre, Karkardooma Courts, Delhi where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 19.05.2023, which is annexed as Annexure-B to the present petition.

8. In terms of the said settlement, the parties agreed to dissolve their marriage in accordance with Muslim Law by way of mutual consent.

9. Learned counsel for the petitioners submits that the petitioner no.1 (former husband) and the respondent no.2 (former wife) have already dissolved their marriage as per Mohammedan Law on 16.08.2023 and talaq between the parties has become effective w.e.f. the date of signing of the document, i.e., 'declaration of pronouncement of divorce', which is annexed as Annexure-E to the present petition. This position is also affirmed by the learned counsel for the respondent no.2 (former wife).

10. It is a term of the settlement between the parties that the petitioner



no.1 shall pay a total sum of Rs.2,50,000/- to the respondent no.2 towards full and final settlement of all her claims on account of permanent alimony, dowry articles, mehar, maintenance (past, present and future) etc. The said amount has already been paid to the respondent no.2 by the petitioner no.1.

11. The receipt of entire amount of Rs.2,50,000/- is acknowledged by the respondent no.2, who is present in court.

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

13. 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.

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

15. Consequently, the petition is allowed and the FIR No.0154/2020 under Sections 498A/406/34 IPC registered at Police Station Dayalpur alongwith all other proceedings emanating therefrom, is quashed.

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

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

VIKAS MAHAJAN, J

JANUARY 11, 2024
MK