



\$~15

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

+ CRL.M.C. 525/2024

AFAQ ANSARI @ MOHD AFAK & ORS.

..... Petitioners

Through: Mr.C.S. Gumani, Adv.

versus

STATE GOVT OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr.Shoaib Haider, APP.
SI Akshay, PS Shaheen Bagh.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **21.02.2024**

1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No.0030/2019 registered at Police Station: Shaheen Bagh, South-East District, under Sections 498A/406/34 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of a settlement.

2. The learned counsel for the petitioners submits that petitioners wish to implead the three remaining accused persons as petitioner nos.4 to 6.

3. On his oral prayer, petitioner nos.4 to 6 are added as party petitioners. The amended Memo of Parties and the *vakalatnama* in favour of the newly added petitioners, which is handed over in Court today, is taken on record. Their affidavits are also taken on record along with their Aadhar Card and photographs.



4. The learned counsel for the petitioners submits that the subject FIR was an offshoot of the matrimonial discord between the parties, that is, the petitioner no.1 and the respondent no.2. He submits that the parties have amicably settled all their *inter se* disputes and have entered into a settlement vide Memorandum of Understanding (in short, 'MoU') dated 30.04.2022.

5. Pursuant to the above settlement, a talaknama/khulanama dated 27.05.2022 was executed between the parties, that is, the petitioner no.1 and the respondent no.2, and the learned Family Court, considering the factum of the MoU and the Talaaqnama, was pleased to dissolve the marriage between the parties vide its judgement/Decree of Divorce dated 05.07.2022 in ML No.38/2022 (under the Muslim Law).

6. The learned counsel for the petitioner no.1 has also handed over an affidavit of the petitioner no.1 undertaking that the settlement between himself and the respondent no.2 shall, in no manner, prejudice the rights and interests of the child born from the wedlock of the said parties. The affidavit is also taken on record. The custody of the child as per the terms of the settlement is stated to be with the respondent no.2.

7. The learned counsel for the petitioners has handed over two demand drafts totalling to Rs.1,10,000/- to the respondent no.2, who is present in person and has been duly identified by the Investigating Officer (IO). She re-affirms the settlement and states that she has settled all the *inter se* disputes with the petitioners of her own free will and without any coercion. The respondent no.2 submits that she does



not wish to pursue the proceedings emanating from the FIR any further and has no objection if the present FIR is quashed.

8. I have perused the contents of the FIR, Charge Sheet, and also the settlement between the parties. As the disputes between the parties arose out of a matrimonial relationship, and now the same have been amicably settled, a decree of divorce has also been passed by the learned Family Court pursuant to the settlement, and also looking into the nature of the allegations made in the complaint, in my opinion, no useful purpose would be served in keeping the FIR alive. In fact, it would rather create further acrimony between the parties and will be an unnecessary burden on the State exchequer.

9. Guided by the principles enunciated by the Supreme Court in its judgments in *Jitendra Raghuvanshi v. Babita Raghuvanshi*, (2013) 4 SCC 58; *Gian Singh v. State of Punjab*, (2012) 10 SCC 303; *Parbatbhai Aahir @ Parbatbhai Bhimsinbhai Karmur & Ors. v. State of Gujarat & Ors.* (2017) 9 SCC 641; and *State of Haryana & Ors. v. Bhajan Lal & Ors.*, 1992 Supp (1) SCC 335, this Court deems it appropriate, in the interest of justice, to exercise its inherent powers under Section 482 of the Cr.P.C. to quash the FIR and all the proceedings emanating therefrom.

10. Accordingly, the petition is allowed. FIR No.0030/2019 registered at Police Station: Shaheen Bagh, South-East District, under Sections 498A/406/34 of IPC and all consequential proceedings emanating therefrom against the petitioners are quashed.

11. However, as regards the rights of the child born from the wedlock, it is made clear that the rights of the child will not be



restricted/compromised on the basis of the aforesaid Settlement and all her legal rights will remain protected and available to her in accordance with law.

12. The documents which have been handed over by the learned counsel for the petitioner shall be placed on record by the Registry.

NAVIN CHAWLA, J

FEBRUARY 21, 2024/rv/ss

[Click here to check corrigendum, if any](#)