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

+ **CRL.M.C. 7228/2024**

IKABAL @ IQBAL & ORS.

.....Petitioners

Through: Mr. Shiv Kumar Manan, Mr. Ritik,
Advts. with petitioners.

versus

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

.....Respondents

Through: Ms. Kiran Bairwa, APP for State and
W/SI Gita Yadav, PS Mehrauli.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

12.09.2024

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CRL.M.A. 27624/2024

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

CRL.M.C. 7228/2024

3. The Present petition has been filed under section 482 Cr.P.C for quashing of FIR No. 2644/2015 dated 04.10.2015 registered under Section 498A/406/34 IPC (charge-sheet filed under Section 498A/406/506/34 IPC) at PS Mehrauli, New Delhi and all the other proceedings emanating therefrom.
4. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 28.10.2013 in accordance



with the Muslim Rites and Ceremonies and two children, namely Usman and Armaan, aged about 4 years and 2 years respectively, were born out of the said wedlock. However, on account of temperamental differences and mental incompatibility, the parties started living separately and instituted multiple litigations against each other and their respective families including the present FIR.

5. Learned Counsel further submits that during the pendency of the proceedings, the parties have resolved their disputes amicably, and in furtherance thereof, they have entered into a settlement agreement dated 23.11.2023 recorded at Mediation Centre, Saket Courts, New Delhi.
6. I have gone through the settlement deed dated 23.11.2023 which has been placed on record. The settlement agreement provides for the following terms and conditions:

“1. That, the matter has been amicably settled between the parties. It is agreed that complainant/wife and accused no. 1/husband shall reside together peacefully with decent amenities. Further both the parties shall not indulge in any quarrel or arguments, in future with each other.

2. It is further agreed that parties shall forgive each other for their past acts/complaints and they shall treat each other with respect and dignity and give mutual respect, love and care to each other.

3. That Second Party/ Husband/accused no. 1 undertakes to bear all their household expenses, rashan, electricity, day to day expenses, medical expenses and other ancillary expenses of wife.

4. It is further agreed between the parties that both the accused no. 1 and the complainant shall fulfill all the duties



as husband and wife and shall prioritize the welfare of their children. That accused no. 1 undertakes to bear all the academic expenses, medical expenses and other ancillary expenses of his children.

5. That both the complainant and accused no. 1 undertake to respect each other as well as the parents of each other. It is agreed between the parties that the parents/family members/relatives/brothers/sisters of both the parties shall not interfere in their matrimonial life/personal matters, in any manner, whatsoever.

6. The present FIR bearing FIR No. 2644/2019, U/s 498A/406/34 IPC, registered at P.S. Mehrauli, New Delhi, has been registered against the accused persons which are given as under:-

- (i) Sh. Iqbal, accused no. 1/Husband.*
- (ii) Mrs. Rahisan, accused no. 2/Mother-In-Law.*
- (iii) Reshma Ballo, accused no. 3/sister-In-Law.*
- (iv) Maina, accused no. 4/Sister-In-law.*
- (v) Gul Mohammad, Accused no. 4/brother-in-law.*

The said FIR was registered on the complaint of complainant, for which the accused persons shall move for quashment petition u/s 482 Cr.P.C. for quashing of the present FIR before Hon'ble High Court of Delhi within one month post signing of the present settlement. The complainant shall fully co- operate for quashing of the Said FIR as well as all proceedings emanating therefrom against all accused persons, as mentioned above. The complainant shall sign her affidavit of no objection, appear and do whatever required in order to get present FIR quashed as well as all proceedings emanating therefrom before the Hon'ble High Court. The litigation expenses shall be borne by the accused person. However, it is clarified that the case being non- compoundable, depending on the facts and circumstance the FIR may or may not be quashed by the Hon'ble High Court as the quashing of the FIR is the discretion of the Hon'ble High Court.



7. It is also agreed between the parties that after compliance of the present settlement reached between the parties, all the matters, which are pending between the parties before any court/authority/PS/Forum shall be deemed to have been settled post signing of this settlement.”

7. It is settled that the inherent powers under section 482 of the Code are required to be exercised to secure the ends of justice or to prevent abuse of the process of any court. Further, the High Court can quash non- compoundable offences after considering the nature of the offence and the amicable settlement between the concerned parties. Supreme Court and this Court have repeatedly held that the cases arising out of matrimonial differences should be put to a quietus if the parties have reached an amicable settlement. Reliance may be placed upon: ***B.S. Joshi v. State of Haryana***, (2003) 4 SCC 675; ***K. Srinivas Rao v. D.A.Deepa***, (2013) 5SCC 226; ***Yashpal Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another***, 2019 SCC OnLine Del 8179.
8. Moreover, the petitioner no.1 and respondent no.2 had solemnized marriage and it is in interest of the society to settle and re-settle the family for their welfare. Therefore the Court in ***Kapil Gupta v. State (NCT of Delhi)*** 2022 SCC Online SC 1030 observed that the matrimonial dispute should be quashed in light of the new beginning for the distressed family.
9. Both the parties are present in court today, and have been duly identified by the IO. It is submitted by both parties that now they are peacefully residing together. Respondent No. 2 submits that she has entered the settlement voluntarily without any fear, force, or coercion. Furthermore, the Learned Counsel for the petitioners submits that since



the parties have resolved all their differences amicably, therefore, it would be in the interest of justice to quash FIR No. 2644/2015 dated 04.10.2015 registered under Section 498A/406/34 IPC (charge-sheet filed under Section 498A/406/506/34 IPC) at PS Mehrauli, New Delhi and all the other proceedings emanating therefrom.

10. Taking into account the totality of facts and circumstances of the case, this court considers that the parties have entered into an amicable settlement out of their own free will, without any fear, force or coercion and they should be given an opportunity to lead their lives peacefully. No purpose will be served in continuing with the trial.
11. In view of the above, FIR No. 2644/2015 dated 04.10.2015 registered under Section 498A/406/34 IPC (charge-sheet filed under Section 498A/406/506/34 IPC) at PS Mehrauli, New Delhi and all the other proceedings emanating therefrom are quashed.
12. The present petition along with all the pending applications stand disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 12, 2024/AR/KR..