



2024:DHC:7259



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 20.09.2024

+ CRL.M.C. 7462/2024

KAMRAN AND OTHERS

.....Petitioners

Through: Mr. Faiz Imam and Mr. Aftab Fazil,
Advts. alongwith petitioners in person.

versus

STATE OF N.C.T. OF DELHI AND ANOTHERRespondents

Through: Ms. Meenakshi Dahiya, APP for the
State with SI Sachin, PS Seemapuri
and ASI Sanwaliya Ram, PS
Parliament Street.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N T**ANOOP KUMAR MENDIRATTA, J (ORAL)****CRL.M.A. 28480/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 7462/2024

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioners for quashing of FIR No. 491/2020 under Sections 498A/406/34 IPC and Section 4 of Dowry Prohibition Act, 1961 registered at P.S.: Seemapuri, Delhi and proceedings emanating therefrom. Chargesheet has been filed under Sections 498A/406/34/506 IPC and Section 4 of Dowry Prohibition Act, 1961.

2. Issue notice. Learned APP for the State and Respondent no. 2 appear on advance notice and accept notice.



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3. In brief, as per the case of the petitioners, marriage between petitioner no. 1 and respondent No. 2 was solemnized according to Muslim Rites and Customs on 08.12.2018. No child was born out of the wedlock. Due to matrimonial differences petitioner No. 1 and respondent No. 2 started living separately. On complaint of respondent No. 2, present FIR was registered on 31.10.2020.

4. The disputes are stated to have been amicably settled between the parties in terms of settlement dated 14.03.2024. Learned counsel for petitioner no. 1 informs that respondent no. 2 has been divorced in accordance with Muslim Law.

5. An amount of Rs. 2,50,000/- has been paid to respondent No. 2 today through DD No. 512820 dated 08.08.2024 drawn on ICICI Bank, Connaught Place, New Delhi, in favour of respondent No. 2.

6. Learned APP for the State submits that in view of amicable settlement between the parties, she has no objection in case the FIR in question is quashed.

7. Petitioners and respondent No. 2 are present in person and have been identified by SI Sachin, PS: Seemapuri, Delhi. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also states that nothing remains to be further adjudicated upon between the parties and she has no objection in case the FIR in question is quashed.

8. Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by keeping the case pending. It would be nothing but an abuse of the process of Court. The chances of conviction are bleak in view of amicable settlement



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between the parties. Consequently, FIR No. 491/2020 under Sections 498A/406/34/506 IPC and Section 4 of Dowry Prohibition Act, 1961 registered at P.S.: Seemapuri, Delhi and proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J

SEPTEMBER 20, 2024

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