



\$~37

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

+ **CRL.M.C. 7620/2024**

NAUSHAD ALI & ORS.

.....Petitioners

Through: Mr.Harish Kumar, Advocate

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr.Mukesh Kumar, APP for the State
alongwith SI Anju Tyagi and SI Prem
Rai, P.S.-Badarpur and R-2 in person

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

19.11.2024

%

1. The present petition has been filed under section 482 Cr.P.C for quashing of FIR No. 377/2012 dated 13.12.2012 for offences punishable under Sections 498A/406 IPC registered at Police Station Badarpur, South East District, New Delhi, and all the other proceedings emanating therefrom.
2. Learned Counsel for the petitioners submits that the marriage between the petitioner no.1 and the respondent no.2 was solemnized on 20.02.2011 in accordance with the Muslim Rites and Ceremonies and no child was 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.
3. 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 06.10.2023 before the Mediation Centre, Saket Courts. It is submitted that three *Talaaq* notices dated 11.09.2024, 11.10.2024 and 11.11.2024 were duly served upon the respondent No.2. Learned counsel appearing on behalf of the petitioners undertakes that the said documents shall be placed on record.

4. Pursuant to the settlement, it is submitted by both parties that the marriage between them has already been dissolved as per Muslim rites and ceremonies. Respondent No.2 also states that the divorce as already been taken place as per Muslim rites and ceremonies.
5. 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. 377/2012 dated 13.12.2012 for offences punishable under Sections 498A/406 IPC registered at Police Station Badarpur, South East District, New Delhi, and all the other proceedings emanating therefrom.
6. I have gone through the settlement deed dated 06.10.2023 which has been placed on record. The settlement agreement provides for the following terms and conditions:

“1. It is agreed between the parties that since there is no chance of their re-union, they have agreed to declare the marriage null and void as per law.

2. That the second party /husband shall pay Rs. 1,90,000/- (Rs. One lakh and Ninety thousand only) as full and final settlement towards her maintenance (past, present and future) , permanent alimony etc. Including the amount of



mehar and iddat.

3. It is agreed between the parties that out of the above mentioned settled amount of Rs. 1,90,000/- (Rs. One lakh and Ninety thousand only) shall be paid by respondent/husband to the complainant/wife in two installments i.e, Rs. 95,000/- on or before 08.11.2022 and Rs. 95,000/- on or before 08.12.2023 by way of Demand Draft/NEFT etc.. It is agreed that before the second installment, the accused and his sisters Rehana and Ruksana and his mother Saira will petition for quashing of FIR before Hon'ble High court of Delhi and quashing of FIR will be the discretion of Hon'ble High court only.

4 It is also agreed by the parties that in pursuance to this settlement, they will not file any civil/criminal case pertaining to their marriage and/or with regard to the movable or immovable property/properties and they will have no claim on any property etc movable or immovable of each other or their family members.

5 It is also agreed between the parties that pursuant to the settlement reached between the parties, all the matters/complaints which are pending between the parties before any court shall be deemed to have been settled post signing of this settlement.”

7. The total settlement amount in terms of settlement deed dated 06.10.2023 is Rs. 1,90,000/-. Today, as per settlement, a demand draft bearing DD No. 130269 dated 07.09.2024 drawn on Canara Bank, Jahangirbad, Uttar Pradesh-202394 of Rs.55,000/- in the name of Neelofar is handed over to the respondent No.2 in the Court. Additionally, a sum of Rs.10,000/- has also been paid before the Court today as *mehar and iddat*. Respondent No. 2 states that she has received the entire settlement amount.
8. 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) 5 SCC 226; ***Yashpal Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another***, 2019 SCC OnLine Del 8179.

9. Both the parties are present in Court and have duly been identified by the Investigation Officer. Respondent No. 2 submits that she has entered the settlement voluntarily without any fear, force, or coercion. She submits that other petitions have already been withdrawn or dismissed. And since the marriage between the parties has also been dissolved as per Muslim Rites, she has no objection if FIR No. 377/2012 dated 13.12.2012 for offences punishable under Sections 498A/406 IPC registered at Police Station Badarpur, South East District, New Delhi, and all the other proceedings emanating therefrom are quashed.
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. 377/2012 dated 13.12.2012 for offences punishable under Sections 498A/406/34 IPC registered at Police Station Badarpur, South East District, New Delhi, and all the other proceedings emanating therefrom are quashed.
12. Let the three *Talaaq* notices dated 11.09.2024, 11.10.2024 and 11.11.2024 be placed on record.
13. The present petition along with all the pending applications stand disposed of.

DINESH KUMAR SHARMA, J

NOVEMBER 19, 2024

Dy/kr..