



2024:DHC:7497



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 27.09.2024

+ CRL.M.C. 7698/2024 & CRL.M.A. 29366/2024

DANISH & ORS.

.....Petitioners

Through: Mr.Mutuir Rehman, Ms. Shaheen, Ms. Mehwish Khanam, Ms. Arshi, Mr. Mohd. Salman Saifi, Mr. Hasim Khan, Mr. Mohd. Arshad Zahiri, Mr. Shoobhankar Sagar, Ms. Garima, Advocates.

versus

THE STATE GOVT OF NCT OF DELHI & ANR.....Respondents

Through: Mr. Satinder Singh Bawa, APP for the State with SI Rajnandini, PS: Hauz Qazi.
Mr. Asif Ahmed, Advocate for R-2 with 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. 29366/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 7698/2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of petitioners for quashing of FIR No.0081/2011, under Sections 498A/406/34 IPC, registered at P.S.: Hauz Qazi and proceedings emanating therefrom.



2. Issue notice. Learned APP for the State and learned counsel for respondent No. 2 alongwith respondent No.2 in person appear on advance notice and accept notice.
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 06.12.2009. A male child was born out of the wedlock who is presently in custody of petitioner no. 1. 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 18.10.2011.
4. The disputes are stated to have been amicably settled between the parties in terms of Settlement Deed dated 03.11.2011 arrived at Delhi Mediation Centre, Tis Hazari Courts, Delhi. Learned counsel for petitioner No.1 informs that petitioner No.1 divorced respondent No.2, in accordance with Muslim Law in 2012.
5. An amount of Rs.1,00,000/- has been paid to respondent No. 2 in cash, since learned counsel for petitioners submits that respondent No.2 does not have a bank account.
6. Learned APP for the State submits that in view of amicable settlement between the parties, he 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 Rajnandini, PS: Hauz Qazi. 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.



2024:DHC:7497



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 between the parties. Consequently, FIR No.0081/2011, under Sections 498A/406/34 IPC, registered at P.S.: Hauz Qazi 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 learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J

SEPTEMBER 27, 2024/g