



2024:DHC:8208



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 21.10.2024

+ W.P.(CRL) 3050/2024

MOHAMMAD SHABAZ & ORS.

.....Petitioners

Through: Mr.Sajid Ali Choudhary, Mr.Arshad Ali, Advocates with petitioners in person except petitioner No.4.

versus

STATE OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr.Yasir Rauf Ansari, ASC (Crl.) for State with Mr.Alok Sharma and Mr.Vasu Agarwal, Advocates with SI Kiran Yadav, PS IP Estate.
Respondent No.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. 29620/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

W.P.(CRL) 3050/2024

1. Petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioners for quashing of FIR No. 351/2023, under Sections 498A/406/34 IPC, registered at P.S.: I.P.Estate.
2. Issue notice. Learned APP for the State and 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 ceremonies on 27.04.2019. 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 31.12.2023.

4. The disputes are stated to have been amicably settled between the parties in terms of Settlement dated 22.05.2024. Petitioner No.1 and respondent No.2 are residing together since then.

5. Learned ASC 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.

6. Petitioners No.1,2,3, 5 and respondent No. 2 present in person and have been identified by SI Kiran Yadav, P.S.: I.P.Estate. Petitioner No.4 is exempted. 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.

7. 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. 351/2023, under Sections 498A/406/34 IPC, registered at P.S.: I.P. Estate are quashed.

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

ANOOP KUMAR MENDIRATTA, J

OCTOBER 21, 2024/VLD