



\$~68

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

+ **W.P.(CRL) 3171/2024**

NADEEM & ORS.

.....Petitioners

Through:

Mr. Ajay Kumar Tyagi, Adv
with petitioners.

versus

THE STATE N C T DELHI & ANR.

.....Respondents

Through:

Mr. Sanjay Lao, SC with SI Govind
Kumar, P.S. Chandi Mahal
Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

%

09.10.2024

CRL.M.A. 30737/2024(exemption)

Exemption is allowed subject to all just exceptions.

W.P.(CRL) 3171/2024

1. The present petition has been filed under Section 482 of the Cr.P.C. for quashing FIR No. 28/2023, registered at PS Chandni Mahal under Sections 498A/406/34 IPC and all the other proceedings emanating therefrom.
2. Brief facts of the case are that the complainant / Respondent No. 2 married Petitioner No. 1 on 17.12.2019 as per Muslim rites. However, due to temperamental differences and mental incompatibility, the parties began living separately and initiated multiple litigations, including the present FIR. No children were born out of the said



wedlock.

3. Issue Notice. Learned Standing Counsel has accepted the notice.
4. A perusal of order dated 31.07.2024, passed by the Judicial Magistrate, Mahila Court-01, Central District, reflects that Petitioner No. 1 and Respondent No. 2 have amicably settled their disputes. The petitioner's husband agreed to pay Rs. 6,25,000 as settlement, of which Rs. 3,00,000 has already been paid. Today, in compliance with the settlement, Rs. 3,25,000 has been paid via DD No. 118709 dated 07.10.2024, drawn on HDFC Bank, in favor of Hadiya Bano Riazuddin.
5. The parties have already been divorced, and the Khula Certificate dated 06.08.2024 has also been placed on record. Both parties are present in court and identified by the Investigating Officer. Respondent No. 2 has confirmed that she has voluntarily entered into the settlement without any fear, force, or coercion and has received the entire settlement amount. She states that she has no objections to the quashing of FIR No. 28/2023, and has already withdrawn or dismissed other petitions.
6. It is a settled principal of law that the inherent powers of the High Court 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. The High Court can quash non-compoundable offences after considering the nature of the offence and the amicable settlement between the concerned parties. The Hon'ble 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.

7. Given the dissolution of the marriage as per Muslim rites and the amicable settlement, continuing the trial serves no purpose. This court believes that both parties should be allowed to lead their lives peacefully. Thus, FIR No. 28/2023, registered at PS Chandni Mahal under Sections 498A/406/34 IPC, and all related proceedings are hereby quashed.
8. The petition and all pending applications stand disposed of.

DINESH KUMAR SHARMA, J

OCTOBER 9, 2024

Pallavi/SM