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

+ **CRL.M.C. 8261/2024 & CRL.M.A. 31563/2024**

NASEEM AHMED ALIAS WASEEM AND ORSPetitioners

Through: Mr. K. B. Upadhyay with Mr. Manoj Kumar Rai, Mr. Shailesh Tiwari, Mr. Shrish Nath Tripathi, Advocates and petitioner No.1 in court.

versus

STATE OF NCT OF DELHI AND ANRRespondents

Through: Mr. Sanjeev Sabharwal, APP for the State with Ms. Sanya Narula, Advocate.
SI Anugraha, P.S.: Welcome.
Mr. Mohammed Rashid, Advocate for R2 with R2 in court.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **21.10.2024**

CRL.M.A. 31564/2024

Exemption granted, subject to just exceptions.

The application stands disposed-of.

Crl. M.C. 8261/2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners, who are the former husband and in-laws of the complainant/respondent No. 2, seek quashing of case FIR No. 475/2022 dated 22.07.2022 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') and section 4 of the Dowry Prohibition Act, 1961 at P.S.: Welcome, Delhi.



Consequent upon completion of investigation, allegations under sections 354/354-B IPC have been added *vide* chargesheet dated 07.04.2023.

2. The petition is premised on Compromise Deed/Settlement Deed dated 06.09.2024; and Deed of Mubarat dated 07.03.2024, by which petitioner No. 1 and respondent No. 2 have dissolved their marriage in accordance with applicable personal law.
3. Though the Compromise Deed/Settlement Deed dated 06.09.2024 has only been signed by petitioner No.1 and respondent No. 2, respondent No. 2 confirms that she has resolved her disputes with all the petitioners and therefore all proceedings in the subject FIR may be closed against petitioners Nos. 2 to 5 as well.
4. The petition is supported by affidavits of the petitioners, as also of respondent No. 2, alongwith proof of their IDs.
5. Petitioner No.1 as well as respondent No. 2 are present in court. Their credentials have been verified and they have also been identified by their respective counsel.
6. The parties have confirmed that one child, *viz.* Mayra, was born from the wedlock, who is minor as of date.
7. The court has queried respondent No. 2, who confirms that she has taken divorce by mutual consent as recorded in the divorce deed; and that a settlement deed has been entered into between petitioner No.1 and respondent No. 2; and that in full-and-final settlement of all her claims, she was to receive a sum of Rs. 13,00,000/- from petitioner No.1; out of which Rs. 8,00,000/- was paid earlier and Rs. 5,00,000/- has been paid in court today, in compliance of the terms of the



settlement deed. Respondent No. 2 confirms that all aspects of the settlement have now been performed.

8. It is recorded that the demand draft of the balance sum of Rs.5,00,000/- that has been handed-over to respondent No.2 in court has a stamp of re-validation on the reverse of the draft. Petitioner No.1 undertakes that the demand draft will be honoured, failing which respondent No.2 shall have the right to file an appropriate application in this court.
9. Mr. Sanjeev Sabharwal, learned APP confirms that the State has no objection to the subject FIR being quashed.
10. In the circumstances, in line with the law laid down by the Supreme Court in ***Gian Singh vs. State of Punjab & Anr.*** reported as (2012) 10 SCC 303 as also in ***Narinder Singh & Ors. vs. State of Punjab & Anr.*** reported as (2014) 6 SCC 466, this court sees no reason why the subject FIR and all proceedings emanating therefrom should not be quashed. This court is of the view that in light of the settlement between the contesting parties, continuing with the subject FIR and all subsequent proceedings would be an exercise in futility and would not be conducive to peace and harmony between the parties.
11. Accordingly, FIR No. 475/2022 dated 22.07.2022 registered under sections 498-A/406/34 IPC and section 4 of the Dowry Prohibition Act, 1961 at P.S.: Welcome, Delhi is quashed. All proceedings arising therefrom also stand closed.
12. However, nothing in this order shall be construed as the opinion of this court on the validity or otherwise of the divorce that the parties are stated to have taken *vide* Deed of Mubarat dated 07.03.2024.



13. Though the settlement deed also records that the minor child shall remain in the custody of respondent No.2 and petitioner No.1 shall have no visitation rights, it is made clear that nothing in this settlement agreement would affect the right of the minor child to meet her father, if and when she so desires, subject to logistical convenience of the parties.
14. Needless to add that the settlement between the parties leading to the closure of all criminal proceedings by way of the present order will in no way affect the property rights and other rights of the minor child *vis-à-vis* her father, as may be available under law, in any manner whatsoever.
15. Petition stands disposed-of.
16. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 21, 2024

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