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

+ **CRL.M.C. 8544/2024**

FIROZ, AND ORS

.....Petitioners

Through: Mr. Jameel Ahmed, Adv. with
petitioners.

versus

STATE GOVT. OF (NCT DELHI). AND ANR

.....Respondents

Through: Ms. Kiran Bairwa, APP for the State
with SI Savita, PS Aman Vihar.
Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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28.10.2024

CRL.M.A. 32598/2024(exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 8544/2024

1. The Present petition has been filed under section 482 Cr.P.C for quashing of FIR No.273/2023 registered under Section 498A/406/34 IPC at PS Aman Vihar and all the other proceedings emanating therefrom.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 10.11.2021 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 vide MOU dated 27.02.2024. It has further been submitted that the marriage between the parties has been resolved as per Muslim Rites and Ceremonies
4. 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.273/2023 registered under Section 498A/406/34 IPC at PS Aman Vihar and all the other proceedings emanating therefrom.
5. I have gone through the settlement vide MOU dated 27.02.2024 which has been placed on record. The settlement vide MOU dated 27.02.2024 provides as under:

I, Firdosh D/o Md. Ali Ulla Rio A-28, Balbeer Agar, Kirari Suleman Nagar, Delhi-110086, have received Rs. 1,00,000/- (one lakh rupees) from Firoz S/o Sh Md Asif, Rio B-225, K-1-18, Hanuman Mandir, Sangam Vihar, Delhi-110080. We have settled our dispute for Rs. 4,00,000/- out of which Rs.3,00,000/- (three lakh) is agreed to pay on 21/03/2024.

And after that there shall be nothing remain between us including Mehar, Dowry etc. And I will withdraw all cases.

6. Both parties are present in court and have been identified by the IO. The statement Respondent No. 2 has been recorded separately wherein she states that with the intervention of my well-wishers,



she out of her free will, without any threat, fear, force or coercion have settled the dispute with the petitioners namely. Firoz, Md. Asif, Rukhsana Begam, Md. Naimuddin, Shabana. She also stated that she has received the settlement amount and nothing remain between the parties including Mehar, dowry etc. Her no objection to the quashing of the FIR has also been recorded.

7. 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) 5SCC 226; ***Yashpal Chaudhrani and Others vs. State(Govt. of NCT Delhi) and Another***, 2019 SCC OnLine Del 8179.
8. 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.



9. In view of the above, FIR No.273/2023 registered under Section 498A/406/34 IPC at PS Aman Vihar and all the other proceedings emanating therefrom are quashed.
10. The present petition along with all the pending applications stand disposed of.

DINESH KUMAR SHARMA, J

OCTOBER 28, 2024

Pallavi/smg