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

+ **W.P.(CRL) 3507/2024**

MOHAMMAD IMRAN AND ORS

.....Petitioners

Through: Mr. Kamran Malik, Mr. Javed Hasan
and Mr. Mobin Ullah, Advocates.

versus

GOVT OF NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Anand V. Khatri, ASC for the
State.

ASI Anil and SI Anshul, P.S.:
Dwarka North.

Mr. Mohd. Ashraf Farooqui,
Advocate for the Complainant.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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11.11.2024

CRL.M.A. 33703/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.A. 33626/2024

By way of the present application filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), the petitioner seeks condonation of 07 days' delay in *re-filing* the petition.

2. For the reasons stated in the application, which is duly supported by an affidavit, the application is allowed.
3. Delay in *re-filing* the petition is condoned.
4. The petition is taken on Board.
5. The application stands disposed-of.



W.P.(CRL) 3507/2024

6. By way of the present petition filed under Article 226 of the Constitution of India read with section 528 of the BNSS, the petitioners seek quashing of case FIR No.148/2024 dated 02.04.2024 registered under sections 498-A/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Dwarka North, Delhi.
7. The petition is premised on 'Settlement-cum-Deed of Mubarat/Divorce Deed' dated 22.06.2024 signed between petitioner No.1 and respondent No.3, in terms of which respondent No.3 has pronounced *talaq* to petitioner No.1 on the terms as recited in the said deed of *mubarat* in the presence of witnesses.
8. The petition is supported by affidavits of the petitioners, as also of respondent No. 3, alongwith proof of their IDs.
9. The petitioners as well as respondent No.3 are present in court. Their credentials have been verified and they have also been identified by their respective counsel.
10. One of the accused Mohd. Chand named in the FIR has passed away. A copy of a death certificate in evidence thereof is appended to the petition.
11. The parties have confirmed that no child was born from the wed-lock.
12. The court has queried Ms. Naziya, respondent No.3, who confirms that has signed Settlement-cum-Deed of Mubarat/Divorce Deed dated 22.06.2024; and that in full-and-final settlement of all her claims including towards *mehr*, maintenance (past, present and future), *stridhan*, dowry articles, jewellery, permanent alimony, etc., she was to receive a sum of Rs.11,000/- from petitioner No.1; which sum has



been paid to her in compliance of the terms of the settlement deed. Respondent No. 3 confirms that all aspects of the settlement have now been performed.

13. Petitioner No.1 has also confirmed that he has divorced respondent No. 3 as per applicable Muslim law; and also does not challenge the *talaq* given to him by respondent No.3.
14. Mr. Anand V. Khatri, learned ASC (Criminal) confirms that the State has no objection to the subject FIR being quashed.
15. 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.
16. Accordingly, FIR No.148/2024 dated 02.04.2024 registered under sections 498-A/34 of the IPC at P.S.: Dwarka North, Delhi is quashed. All proceedings arising therefrom also stand closed.
17. Petition stands disposed-of.
18. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

NOVEMBER 11, 2024/ak