



\$~99

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 9021/2024 & CRL.M.A. 34525/2024**

IRFAN

.....Petitioner

Through: Ms. Nazma Akhtar, Adv.
with Petitioner in person.

versus

THE STATE OF NCT OF DELHI
& ANR.

.....Respondents

Through: Mr. Utkarsh APP for the
State with SI Raghuraj
Singh PS- Sangam Vihar,
New Delhi.
Mr. Vishal Manan, Adv.
R-2 in person.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
19.11.2024

%

1. The present petition is filed seeking quashing of FIR No. 441/2021 dated 31.08.2021, registered at Police Station Sangam Vihar, for offence under Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 including all consequential proceedings arising therefrom. The said FIR was registered on a complaint filed by Respondent No. 2. The charge sheet has already been filed in the present case.

2. It is averred that the marriage between the petitioner and Respondent No.2 was solemnized on 27.01.2012 as per Muslim rites and customs. Two children were born out of the said wedlock. It is alleged that thereafter, some family disputes arose between the petitioner and Respondent No. 2.

CRL.M.C. 9021/2024

Page 1 of 3



3. Subsequently, Respondent No.2 made a complaint against the petitioner at Police Station Sangam Vihar, however, no FIR was registered. Thereafter, Respondent No. 2 filed an application under Section 156(3) of the Code of Criminal Procedure, 1973 ('CrPC') seeking directions to the concerned police station for registration of the FIR against the petitioner. By order dated 26.08.2021, in Ct. Case No. 209/2021, the learned Trial Court allowed the application filed by Respondent No.2 under Section 156(3) of the Code of Criminal Procedure, 1973 ('CrPC') and directed SHO of Police Station Sangam Vihar to lodge an FIR. This resulted into registration of the present FIR.

4. It is averred that the petitioner had sent four letters to Respondent No.2, out of which one was in Hindi. It is alleged that the petitioner had pronounced divorce (*talaq*) through the letter in Hindi, which is in the nature of instantaneous divorce.

5. The learned counsel for the petitioner submits that the parties were referred to mediation and they have amicably resolved their disputes.

6. The present petition is filed on the ground that the parties have settled all their disputes before the Mediation Centre, Saket Courts, New Delhi, on 30.11.2021, on their own free will, without any force, pressure or coercion. It is stated that the parties have started residing together and the petitioner has agreed to maintain Respondent No.2 and bear all her expenses.

7. The parties are present before this Court in person and have been duly identified by the Investigating Officer.

8. On being asked, the complainant / Respondent No. 2 states that she does not wish to pursue any proceedings arising out of the present FIR and has no objection if the same are quashed.



9. Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 is a compoundable at the instance of the woman on whom such a *talaq* is pronounced.

10. This Court is of the opinion that no purpose would be served by relegating the parties to the learned Trial Court seeking compounding of the offence when the complainant is present in Court and has specifically stated that she does not wish to pursue any proceedings arising out of the present FIR.

11. Keeping in view the nature of dispute and that the parties have amicably entered into a settlement, this Court feels that no useful purpose would be served by keeping the dispute alive and continuance of the proceedings would amount to abuse of the process of Court.

12. In view of the above, FIR No. 441/2021 and all consequential proceedings arising therefrom are quashed.

13. The present petition is allowed in the allowed in the aforesaid terms. Pending application(s) also stand disposed of.

AMIT MAHAJAN, J

NOVEMBER 19, 2024

KDK