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

+ **CRL.M.C. 9961/2024**

ATEEK KHAN

.....Petitioner

Through: Mr. Zakir Raza, Mohd. Zakir and
Mohd Uvais, Advocates with
petitioner in person

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR....Respondents

Through: Mr. Kiran Bairwa, APP for the State
along with SI Beha, PS Jafrabad
Mr. HS Pilaniya, Advocate for
complainant with complainant in
person

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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18.12.2024

CRL.M.A. 38160/2024(Exemption)

Exemption allowed, subject to all just exceptions. Application stands disposed of.

CRL.M.C. 9961/2024

1. The present petition has been filed seeking quashing of case FIR No.0281/2020 registered under Sections 498A/406/34 IPC and Section 4 of Delhi Prevention of Defacement of Public Property Act at PS Jafrabad on the basis of the settlement arrived at Delhi Mediation Centre, Karkardooma dated 16.10.2023. The charge sheet has been filed by the investigation officer before the Concerned Court U/s 498A/406/323/506 IPC & 4 DPACT.



2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner on 24.04.2013 in accordance with the Muslim Rites and Customs and out of their marriage, two children, namely, Alia and Master Ali Hasan were born. 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 arrived at Delhi Mediation Centre, Karkardooma dated 16.10.2023. Pursuant to the settlement, it is submitted by both parties that the marriage between them has already been dissolved on 11.12.2023.
4. Furthermore, the Learned Counsel for the petitioner submits that since the parties have resolved all their differences amicably, therefore, it would be in the interest of justice to quash FIR No. 0281/2020 dated 19.06.2020 registered under Section 498A/406/34 IPC at PS Jafrabad and all the other proceedings emanating therefrom.
5. I have gone through the settlement dated 16.10.2023 which has been placed on record. The settlement agreement provides for the following terms and conditions:

“(a) It is agreed between the parties that they have consented to separate their ways and have decided to mutually dissolve their marriage/take Talaaq as per Mohammadan law as per law on or before 08.11.2023.

(b) It is agreed between the parties that the husband shall pay a total sum of Rs.1,00,000/- (One Lakh rupees only) to the wife



towards full and final settlement of all her claims arising out of the marriage including dowry articles, mehar amount, iddat expenses, permanent alimony maintenance (present, past & future out of the aforesaid amount, the husband has already paid Rs.60,000/- to the wife and remaining amount of Rs.40,000/- shall be paid by the husband to the wife at the time of quashing of present FIR.

(c) It is agreed between the parties that the person namely Ateek Khan, who is respondent in FIR No.281/2020 shall file quashing petition under section 482 Cr.P.C. before the Hon'ble High Court on or before 30.11.2023 and wife shall cooperate in quashing of FIR against the respondent including filing of affidavit and appearance in the Hon'ble High Court for the said purpose.

(d) It is also agreed between the parties that the custody of the minor children, namely, Master Ali Hassan and Baby - Alia shall remain with the wife and the husband shall not claim custody of the children in future and the husband have no visitation meeting rights with the children. The wife shall be the guardrail of the children for all intent and purposes.

(e) It has been further agreed between the parties that the minor-children would be free to have recourse to the provisions of law for seeking appropriate relief from the Court in relation to the aspect of maintenance, education and up-bringing etc in terms of the pronouncement of judgment of the Hon'ble High Court in the case titled "Rakesh Jain & Ors; v Sarita Gupta (Crl.Misc No.2935/2019).

(f) The husband and wife shall not be left with any matrimonial rights towards each other & shall not be left with any right, title or interest in the movable or immovable properties of each other

(g) The parties shall not interfere in each others' personal life or in the life of any of the family members of each other & shall not litigate qua the marriage in future."

6. The total settlement amount in terms of settlement dated 16.10.2023 is Rs.1,00,000/-. Today, as per settlement, a demand draft bearing DD No. 836704 dated 23.10.2024 drawn on Uco Bank of Rs.40,000/- in the name of Shabana is handed over to the



respondent No.2 in the Court. Respondent No. 2 states that she has received the entire settlement amount.

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. Both parties are present in court and have duly been identified by the IO. Respondent No. 2 submits that she has entered the settlement voluntarily without any fear, force, or coercion. She submits that other petitions have already been withdrawn or dismissed. And since the marriage between the parties has also been dissolved as per Muslim Rites, she has no objection if FIR 0281/2020 dated 19.06.2020 registered under Section 498A/406/34 IPC at PS Jafrabad and all the other proceedings emanating therefrom are quashed.
9. 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.

10. In view of the above, FIR 0281/2020 dated 19.06.2021 registered under Section 498A/406/34 IPC at PS Jafrabad and all the other proceedings emanating therefrom are quashed. However, this shall not bind the legal rights, title, and interest of the children, namely, Alia and Master Ali Hasan, in any manner. Children, namely, Alia born on 29.01.2014 and Master Ali Hasan born on 22.02.2018 shall be at liberty to pursue their legal rights in accordance with law.
11. The present petition along with all the pending applications, stand disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 18, 2024

N/smg