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

+ **CRL.M.C. 2604/2017**

FARMAM ALI & ORS

..... Petitioners

Through: Mr. Maharaj Tyagi and Mr. Lakshay
Malhotra, Advs.
Petitioners in person.

versus

THE STATE & ANR

..... Respondents

Through: Mr. Raj Kumar, APP for State with SI
Gita Yadav PS Mehrauli
Mr. Divakar Sharma, Mr. Somak
Mukhopadhyay, Ms. Kanishka
Sharma and Mr. Abhishek, Advs. for
R2
Respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

21.03.2024

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1. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.164/2012 under Sections 498A/406/34 IPC registered at Police Station Mehrauli and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Notice was issued *vide* order dated 13.07.2017.
3. The learned APP for the State submits that since the FIR is an outcome of a matrimonial dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.



4. The petitioner no.1 (former husband), petitioners no. 2 – 4, who are close relatives of petitioner no. 1, as well as, respondent no. 2 (former wife) are present in the Court and they have been identified by their respective counsel and by the Investigating Officer with SI Gita Yadav PS Mehrauli.
5. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 01.11.1998 according to Muslim Rites and Ceremonies. Out of the said wedlock, one male child, was born who is in the care and custody of respondent no. 2.
6. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 10.10.2011. The dispute between the parties also led to the registration of present FIR.
7. During the pendency of the proceedings, the parties arrived at a settlement in the Court of learned Metropolitan Magistrate, South District, which is annexed as Annexure P2 to the present petition.
8. The learned counsel for the petitioner submits that *talaq* in terms of *Muslim* rites has taken place which position is also affirmed by learned counsel for the complainant, on instructions from the complainant who is present in Court.
9. He further submits that the entire amount of Rs. 5 Lakhs has already been paid.
10. The receipt of entire amount of Rs.5 Lakhs is acknowledged by the respondent no.2, who is present in court.
11. The respondent no.2, on a query put by the Court, states that she has no objection in case the FIR is quashed.
12. In view of the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same



would create further acrimony between them.

13. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

14. Consequently, the petition is allowed and the FIR No.164/2012 under Sections 498A/406/34 IPC registered at Police Station Mehrauli alongwith all other proceedings emanating therefrom, is quashed.

15. The petition stands disposed of in the above terms.

16. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

MARCH 21, 2024

N.S. ASWAL