



2025:DHC:1288



\$~45

* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: 27.02.2025

+ CRL.M.C. 367/2025

MOHAMMAD RIZWAN

..... Petitioner

Through: Mr.Arjun Malik, Advocate with
petitioner in person.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Kiran Bairwa, APP for State with
SI Vishal Tiwari, P.S. Special Cell
and SI Sandeep Kumar, P.S. Prem
Nagar.

Respondent No.2 through VC.

CORAM:**HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA**

%

J U D G M E N T**ANOOP KUMAR MENDIRATTA, J (ORAL)****CRL.M.A. 1789/2025**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 367/2025

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioner for quashing of FIR No. 0420/2019, under Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 registered at P.S.: Prem Nagar.
2. In brief, as per the case of the petitioner, marriage between petitioner and respondent No. 2 was solemnized according to Muslims rites and ceremonies on 26.03.2018. A male child was born out of the wedlock and is presently in custody of respondent No. 2. Due to matrimonial differences, petitioner and respondent No.2 started living separately. On complaint of



respondent No.2, present FIR was registered on 10.08.2019, since she alleged that triple *talaq* was pronounced by the petitioner on phone, which is prohibited under law.

3. Learned counsel for the petitioner submits that all the disputes have been amicably settled between the parties in terms of Compromise Deed dated 17.08.2023. A detailed verification report in this regard has been submitted by the Joint Registrar (Judicial) in terms of order dated 13.02.2025. He further submits that quashing of the proceedings in terms of the aforesaid compromise deed arrived at between the parties shall enable them to move forward in life, since respondent No.2 has remarried.

Learned counsel for the petitioner also informs that proceedings relating to FIR No.803/2019, under Sections 498A/406/34 IPC registered at P.S. Nangloi have been quashed by a Co-ordinate Bench of this Court vide order dated 27.02.2025 in CRL.M.C. 368/2025.

4. Petitioner, who is present in person, also submits that necessary statement shall be made before the concerned Court in CRL.M.C. 442/2025, for the purpose of quashing of FIR No.34/2019, under Sections 323/341/506/34 IPC registered at P.S. Mangolpuri.

5. Learned APP for the State submits that in view of amicable settlement between the parties, she has no objection in case the FIR in question is quashed.

6. Petitioner in person and respondent No. 2, through VC have been identified by SI Vishal Tiwari, P.S.: Special Cell. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also states that nothing remains to be further adjudicated upon between the parties and



she has no objection in case the FIR in question is quashed.

7. Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by keeping the case pending. It would be nothing but an abuse of the process of Court. The chances of conviction are bleak in view of amicable settlement between the parties. Consequently, FIR No.0420/2019, under Section 4 of The Muslim Women (Protection of Rights on Marriage) Act, 2019 registered at P.S.: Prem Nagar and the proceedings emanating therefrom stand quashed.

8. In the facts and circumstances, instead of imposing the costs upon the petitioner, he is directed to plant 20 saplings of Neem / Jamun trees, which are upto 03 feet in height in the area of P.S.: Prem Nagar after getting in touch with the competent authority (i.e. Horticulture Department of MCD / DDA/ Conservator of Forests, Department of Forests & Wildlife, Govt. of NCT of Delhi) through IO / SHO, P.S.: Prem Nagar. The photographs of planted saplings alongwith report of IO / SHO concerned shall be forwarded to this Court within eight weeks. Further, the upkeep of the saplings / trees shall be undertaken by the authorities concerned. In case of non compliance of directions for planting of trees, the petitioner shall be liable to deposit cost of Rs. 20,000/- with the Delhi State Legal Services Authority.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

FEBRUARY 27, 2025/v