



\$~9

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

+ CRL.M.C. 1982/2025 & CRL.M.A. 8886/2025

SHAKIR HUSSAIN AND ORS.

.....Petitioners

Through: Mr. Rahul Kumar Nahra, Advocate
with Petitioners in person

versus

THE STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Shoaib Haider, APP for the State
with ASI Vikendra Kumar, P.S. Jamia
Nagar

Mr. Sanjay Dutt and Mr. Abhinav
Chauhan, Advocates for Complainant
with Complainant in person

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

%

29.05.2025

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) has been filed on behalf of the Petitioners for quashing of FIR No. 0340/2020 dated 10.11.2020 under Sections 498A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*), registered at P.S. Jamia Nagar and all the proceedings emanating therefrom in terms of the Settlement dated 20.12.2023.
2. Issue Notice.
3. Mr. Shoaib Haider, learned APP appearing on advance Notice, accepts Notice on behalf of the State.
4. Brief facts of the case are that the marriage was solemnized between Petitioner No. 1 and respondent No. 2 on 04.04.2017, according to Muslim



rites and ceremonies and on 26.04.2018, one female child, namely, Adala Hussain was born out of the said wedlock, who is under the care and custody of the Respondent No. 2.

5. It is further submitted that the Complainant had lodged a complaint before the CAW Cell against the Petitioners, which converted into FIR No.0340/2020 dated 10.11.2020 under Sections 498A/406/34 of the IPC at P.S. Jamia Nagar.

6. It is stated that the Petitioner No. 1 and the Respondent No. 2 have amicably settled all the disputes and differences between them and arrived at Settlement *vide* Settlement dated 20.12.2023.

7. In terms of the Settlement dated 20.12.2023, the Statement of the parties have already been recorded before the learned JR.

8. In the Settlement dated 20.12.2023, it was *inter alia* settled between the parties that the Respondent No. 2/wife and the Petitioner No. 1/husband shall dissolve their marriage by decree of mutual consent. It is stated that the Petitioner No.1/husband shall pay a sum of Rs.4,00,000/- towards full and final settlement of all the claims of the Respondent No. 2/wife, in two equal instalments. It is also stated that the Petitioner No. 1 shall pay first instalment of Rs.2,00,000/- to Respondent No. 2/wife, at the time of hearing of Petition under Section 125 Cr.P.C., which shall be withdrawn by the Respondent No. 2 on the same date. The second instalment of Rs.2,00,000/- shall be paid to the Respondent No. 2, at the time of quashing of aforesaid FIR.

9. It is stated that the Petitioner has already paid the first instalment of Rs.2,00,000/- to the Respondent No. 2, at the time of withdrawal of Petition under Section 125 Cr.P.C. and the second instalment of Rs.2,00,000/- has



been paid today by the Petitioner No.1, to the Respondent No. 2.

10. It is also stated that on 30.03.2024, the marriage between the Petitioner No. 1 and the Respondent No. 2, had been dissolved in accordance with the law.

11. In view of the Settlement dated 20.12.2023, the present Petition has been filed.

12. The parties are present before this Court in-person today and have been identified by their learned counsel and Investigating Officer concerned. The parties have endorsed the amicable settlement and accepted the terms thereof voluntarily. The parties have undertaken to remain bound by the terms of the Settlement.

13. The parties have submitted that all the disputes have been amicably settled *vide* Settlement dated 20.12.2023 and thus, no fruitful purpose will be served in continuing with the FIR.

14. The present Petition has been signed by the Petitioner No.1 and is supported by his Affidavit. The parties have reaffirmed the terms of the settlement arrived at *vide* Settlement dated 20.12.2023 and they also submit that the said Settlement dated 20.12.2023 has been arrived at between the parties, without any pressure and coercion.

15. Today, the Respondent No. 2/wife, who is present in the Court, states that she has received all amounts due to her and has no objection if the FIR is quashed.

16. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion and also the fact that the present matter is a family matter, no useful purpose will be served in continuing with the proceedings, rather the same would create



further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

17. Moreover, there is no legal impediment in quashing the aforesaid FIR in question. The custody of the child has been agreed to remain permanently with the Respondent No. 6.

18. Accordingly, FIR No. 0340/2020 dated 10.11.2020 under Sections 498A/406/34 of the IPC, registered at P.S. Jamia Nagar and all consequential proceedings emanating therefrom are quashed. However, it is clarified that the said Settlement is without prejudice to the rights of the minor, in accordance with law.

19. The Petition alongwith pending Application, stands disposed of.

NEENA BANSAL KRISHNA, J

MAY 29, 2025

N