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

+ **CRL.M.C. 2913/2025**

ASIF KHAN AND ORS

.....Petitioners

Through: Mr. Irfan Khan, Adv. along with
petitioners in person.

versus

STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Digam Singh Dagar, APP for the
State.

SI Akash Kumar, PS Bhajanpura.

Mr. Nadeem Ahmed, Adv. for R-2
along with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

21.05.2025

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1. This hearing has been done through hybrid mode.

CRL.M.A. 12997/2025 (Exemption)

2. Allowed, subject to all just exceptions. The application is disposed of.

CRL.M.C. 2913/2025

3. The present petition filed under Section 528 of the BNSS seeks quashing of the FIR No. 110/2016, under Sections 498A/406/34 of the IPC, registered at P.S. Bhajanpura and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Neha Barupal, learned JMFC, North East Distt, Karkardooma Courts, Delhi.

4. The marriage between petitioner no.1/husband and respondent

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no.2/wife was solemnized on 26.10.2013 as per Muslim rites and ceremonies and no child was born out of the said wedlock.

5. Due to matrimonial differences between petitioner no. 1/husband and respondent no. 2/wife, the parties started residing separately from 28.05.2015. Subsequently, respondent no.2/complainant lodged an FIR against petitioner no.1 (husband) and petitioner no. 2 (father-in-law), petitioner no. 3 (mother-in-law), petitioner no. 4 (sister-in-law), petitioner no. 5 (brother-in-law) and petitioner no. 6 (sister-in-law).

6. On 27.11.2017, petitioner no. 1 and respondent no.2 have arrived at a Memorandum of Settlement and as per the said settlement deed, petitioner no.1 has agreed to pay an amount of Rs. 50,000/- towards full and final settlement of all her claims including *mehar*, *istridhan*, permanent alimony and maintenance- present, past and future. The copy of the aforesaid settlement deed has been placed on record as (Annexure P-3.)

7. In terms of the said settlement, the marriage between the petitioner no.1 and respondent no.2 stands dissolved by a *talaqnamal* decree of divorce dated 27.01.2018, wherein, first and second “*talaq*” word was pronounced by the petitioner on 27.11.2017 in presence of respondent no. 2 i.e. wife of the petitioner and third “*talaq* word” was pronounced by the petitioner on 27.01.2018 in presence of respondent no. 2. (Annexure P-4).

8. The matter was also placed before the learned Joint Registrar who has recorded the statements of respondent no. 2 on 08.05.2025, and passed the following order which reads as under:

“Today, statement of respondent no. 2 has been recorded to ascertain the veracity and the genuineness of the parties entering into settlement.

Respondent no. 2 has been identified by his counsel.

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Let the pre-verified statement along with this order be placed before the Hon'ble Court on 21st May, 2025."

9. A separate statement of respondent no.2 has been recorded on 08.05.2025 before the learned Joint Registrar which reads as under:-

"1. I am the Respondent no. 2 in the present matter. The matrimonial dispute between me and all the petitioners have been amicably settled as per counselling settlement deed dated 27.11.2017 in the court of I.d. Prineipal Judge, Family Court, North East, Karkardooma Courts, Delhi. The settlement has been arrived at between myself and petitioners without any force, coercion, undue influence and pressure. I have signed the settlement deed with my wish and will. The settlement deed is on record as Annexure P-3 at page 87 onwards followed by its true type copy.

2. Pursuant to the settlement, I have already received the entire payment of Rs. 50,000/- as per settlement and nothing else remains due. This amount is towards entire maintenance and articles and stridhan whatsoever past, present and in future I shall not claim anything in this regard in future.

3. I undertake to abide by all terms of the settlement. I have already re-married after obtaining divorce from petitioner no. 1.

4. There is no child born out of the wedlock with petitioner no. 1.

5. I have already obtained divorce from petitioner no. 1 according to Muslim personal Law. The divorce deed/talaqnama is on record as Annexure P-4 at page 93 onwards.

6. I do not wish to pursue the present FIR bearing no. 110/2016, under Section 498-A/406/34, registered at P.S. Bhajan Pura, Delhi therefore, the same be quashed along with all proceedings emanating therefrom. I have no objection if the said FIR is quashed.

7. My NOC affidavit is on record at page 26 onwards bearing my signatures.

8. I shall be bound by my statement as stated above."

10. Petitioners and complainant/respondent no. 2 have appeared in person before the Court today and have been duly identified by their respective counsel, as well as the Investigating Officer, SI Akash Kumar, PS Bhajanpura.

11. Complainant/respondent No.2 states that the matter has been settled with the petitioners and she has no objection if the FIR is quashed. She further

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states that all the terms of the agreement have been complied with.

12. In view of the settlement between the parties, Learned APP for the State has no objection if the present FIR is quashed.

13. In **Gian Singh v. State of Punjab, (2012) 10 SCC 303**, the Hon'ble Supreme Court has recognized the need of amicable resolution of disputes by observing as under:-

“61. ... In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

14. In view of the aforesaid circumstances, and the fact that the parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 110/2016, under Sections 498A/406/34 of the IPC, registered at P.S. Bhajanpura and all other consequential proceedings emanating therefrom, including the chargesheet filed and pending before the Court of competent jurisdiction.

15. In the interest of justice, the petition is allowed, and the FIR No. 110/2016, under Sections 498A/406/34 of the IPC, registered at P.S. Bhajanpura and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Neha Barupal, learned JMFC, North East Distt, Karkardooma Courts, Delhi, is hereby quashed.

16. Petition is allowed and disposed of accordingly.

17. Pending application(s), if any, also stand disposed of.

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18. Copy of the order be communicated to the concerned learned Trial Court for necessary information and compliance.

AMIT SHARMA, J

MAY 21, 2025/kr/sc

Click here to check corrigendum, if any

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