



2025:DHC:4738



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 30.05.2025

+ CRL.M.C. 3736/2025
SH. MOMIN & ORS.

.....Petitioners

Through: Mr. Suresh Kumar, Adv. with
petitioner no.1-4 in person.

versus

THE STATE GOVT. OF NCT OF
DELHI & ANR.

... Respondents

Through: Mr. Satinder Singh Bawa, APP
for the State with SI Shivam,
PS-Khajuri Khas.
Mr. Akbar Kaleem, Adv. for R2
along with R2 in person.**CORAM:-****HON'BLE MR. JUSTICE RAVINDER DUDEJA****JUDGMENT(ORAL)****RAVINDER DUDEJA, J.**

1. This is a petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of FIR No. 1216/2014, registered at P.S Khajuri Khas under sections 498A/323/506/406/34 IPC and all proceedings emanating therefrom on the basis of settlement between the parties.

2. The marriage between Petitioner No.1 and Respondent No.2 was solemnized on 20.08.2011 as per Muslim rites and ceremonies at Delhi. On 21.0.2012, Mohd. Zishan was born out of the said wedlock. It is submitted that due to temperamental differences, the couple started



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living separately since 2014. Thereafter, Respondent No.2 lodged the aforesaid FIR against the petitioners. No charge sheet has been filed against the aforesaid FIR.

3. During the proceedings, the parties have amicably resolved their disputes and executed a Settlement Agreement in the court of Ld. Principal judge of Family court in NE Karkardooma Court dated 09.08.2023. As per the settlement deed executed by the parties, the divorce has been granted as per muslim Shariyat law. The petitioner no.1 has agreed to pay Rs. 3,50,000/- as full and final settlement amount to respondent no. 2. The copy of Settlement Agreement dated 09.08.2023 has been placed on record as Annexure B.

4. The matter was placed before the Joint Registrar on 26.05.2025, who has recorded the statements of both the parties and passed the following orders:-

“26.05.2025

1. The present non contentious petition has been filed by the petitioners under Section 528 of the BhartiyaNagarikSurakshaSanhita, 2023 for quashing of the FIR NO. 1216/2014 Under Sections 498A/ 323 / 506 / 406 / 34 of the Indian Penal Code registered at P.S.KHAJURI KHAS on the basis of settlement arrived at between the parties.

2. As per the submissions, the matter between the petitioners and R-2 has been amicably settled.

3. Vide separate statement recorded in this behalf, petitioners stated that dispute between them and R-2 has been amicably settled as per the settlement deed dated 09.08.2023. The settlement has been arrived at between the parties herein without any force, coercion, undue influence and pressure. They have signed the settlement deed with their wish and will. Vide separate statement recorded in this behalf, R-2 stated that dispute between R-2 and petitioners has been amicably settled as per the settlement deed



dated 09.08.2023. The settlement has been arrived at between the parties herein without any force, coercion, undue influence and pressure. The settlement deed has been signed with wish and will.

4. Investigating Officer is present in Court and has duly verified the identity of both the parties. Separate statement of Investigating Officer has also been recorded.

5. The parties along with their counsels have confirmed that the settlement deed has been duly entered into between them.

6. Learned counsel for State/APP enters appearance and accepts notice. He submits that in view of the statement recorded, let the matter be placed before the Hon'ble Court.

7. The compromise/settlement deed is in writing and has been duly signed by both the parties. I have heard both the parties and from the direct dialogue with both the parties, it is observed that the consent of both the parties is found to be genuine and has not been obtained under undue influence or pressure.

8. In view of the above, matter be placed before the Hon 'ble Court on 30.05.2025.”

5. Petitioner no.1-4 and respondent no.2 are physically present before the Court. They have been identified by their respective counsels as well as by the Investigating Officer SI Shivam from PS Khajuri Khas.

6. Respondent No.2 confirms that the matter has been settled with the petitioners without any force, fear, coercion and she has confirmed that she has received the total settlement amount of Rs. 3,50,000/- as per the Settlement Agreement dated 09.08.2023. She further submits that she has no objection if **the FIR NO. 1216/2014 Under Sections 498A/ 323 / 506 / 406 / 34 of the Indian Penal Code registered at P.S. Khajuri Khas** is quashed against the petitioners.

7. In view of the settlement between the parties, learned Additional PP appearing for the State, also has no objection if the



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present FIR NO. 1216/2014 Under Sections 498A/ 323 / 506 / 406 / 34 of the Indian Penal Code registered at P.S. Khajuri Khas along with charge sheet is quashed.

8. In *Gian Singh vs State of Punjab (2012) 10 SCC 303*, 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 proceedings."

9. In view of the aforesaid circumstances and the fact that parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR NO. 1216/2014 Under Sections 498A/323/506/406/34 of the Indian Penal Code registered at P.S. Khajuri Khas along with all the other consequential proceeding emanating therefrom.

10. In the interest of justice, the petition is allowed, and FIR NO. 1216/2014 Under Sections 498A/ 323 / 506 / 406 / 34 of the Indian Penal Code registered at P.S. Khajuri Khas along with all the other consequential proceeding emanating therefrom is hereby quashed.

11. Petition is allowed and disposed of accordingly.



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

RAVINDER DUDEJA, J

MAY 30, 2025/NA

