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

+ **CRL.M.C. 9615/2024**

SHAHRIK SAIFI & ORS.

.....Petitioners

Through: Mr. M.C. Sharma and Ms. Prachi,
Advs. along with petitioners.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Ms. Kiran Bairwa, APP for State with
S.I. Nitin, P.S. Jamia Nagar, Delhi.
Mr. Ashok Kumar Soni and Ms. Zeba
Parveen, Advs. for R-2 along with
R-2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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23.01.2025

CRL.M.A. 36904/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 9615/2024

3. The present petition has been filed under Section 528 of BNSS, 2023 seeking quashing of FIR No.244/2023 registered under Sections 498A/406/34 IPC at Police Station Jamia Nagar, Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. Issue notice. The learned APP appearing on behalf of the State, as well as, the learned counsel appearing on behalf of the respondent no.2



accept notice. They submit that since the FIR is an outcome of a matrimonial dispute and the parties have arrived at a settlement, they have no objection in case the FIR in question is quashed.

5. The petitioner no.1 (former husband) and respondent no.2 (former wife) are present in the Court and they have been identified by their respective counsel, as well as, by the Investigating Officer i.e. S.I. Nitin, P.S. Jamia Nagar, Delhi.

6. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 16.06.2021 according to Muslim Rites and Customs. Out of the said wedlock, one girl child, namely, Baby Abrish Saifi was born.

7. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 21.04.2022. The dispute between the parties also led to the registration of present FIR.

8. During pendency of proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Memorandum of Settlement (MOU) dated 08.10.2024, which is annexed as Annexure P-4 (colly.) to the present petition.

9. In terms of the said settlement, the parties executed a Deed of Mubaratnama dated 28.12.2023 for divorce by way of mutual consent, a copy of which has been annexed as Annexure P-5 to the present petition. The learned counsel for the petitioners submits that subsequent to the said Deed of Mubaratnama, the petitioners filed a suit for declaration in which decree has been passed which was filed in the Registry on 22.01.2025. A copy of the said decree has also been handed over in court today. The same is taken on record.



10. It is a term of the settlement between the parties that the petitioner no.1 shall pay a total sum of Rs.1,50,000/- to the respondent no.2 towards full and final settlement of all her claims on account of permanent alimony, dowry articles, maintenance (past, present and future) etc. Out of the said amount, a sum of Rs.75,000/- has already been paid by the petitioner no.1 to the respondent no.2 in the manner as mentioned in the settlement. The remaining amount of Rs.75,000/- has been paid to the respondent no.2 today in the court by the petitioner no.1.

11. The receipt of entire amount of Rs.1,50,000/- is acknowledged by the respondent no.2, who is present in court.

12. The respondent no.2, on a query posed by the Court, states that she has no objection in case the FIR is quashed.

13. 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.

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

15. Consequently, the petition is allowed and the FIR No.244/2023 registered under Sections 498A/406/34 IPC at Police Station Jamia Nagar, Delhi and all consequential proceedings emanating therefrom, is quashed.

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

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

VIKAS MAHAJAN, J

JANUARY 23, 2025/aj