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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 10150/2024
RAHIS AHMEDPetitioner

Through: Mr. Rajiv Mohan and Mr. Chirag
Khurana, Advs.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Aman Usman, APP for State with
SI Sanjay Kumar, PS. Nihal Vihar.
Mr. Daviender Hora and Mr.
Amandeep Singh, Advs. for R-2 to
R-4.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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06.02.2025

1. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.19/2016 under Sections 498A/406/376/377/34 IPC and Section 10 of POCSO Act registered at Police Station Nihal Vihar and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Issue notice. The learned APP for the State accepts notice. He submits that since the FIR is an outcome of a matrimonial dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
3. The petitioner (former husband), as well as, respondent no. 2 (former wife) along with respondent nos. 3 and 4, who are the daughters of the



respondent no.2 are present in Court and they have been identified by their respective counsel, as well as, by the Investigating Officer SI Sanjay Kumar, PS. Nihal Vihar.

4. The learned counsel for the petitioner submits that the present FIR is an offshoot of a matrimonial dispute which led to the registration of the present FIR at the instance of the respondent no.2 (former wife).

5. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 21.03.2001 according to Muslim Rites and Customs. Out of the said wedlock, one son and two daughters were born.

6. On account of temperamental issues certain disputes arose between the parties and they started living separately from each other. The petitioner gave *talaq* to the respondent no.2 on 12.12.2015. Therefore, the responder no. 2 got the present FIR registered.

7. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Memorandum of Understanding dated 21.08.2024, which is annexed as Annexure C to the present petition.

8. It is a term of the settlement between the parties that the petitioner no.1 shall pay a total sum of Rs.50.50 lacs to the respondent nos.2 to 4 towards full and final settlement. Out of the said amount, a sum of Rs. 45.50 lacs has been paid today by the petitioner to the respondent no.2 in the manner as mentioned in the settlement by way of following three Demand Drafts bearing Nos.(i) 515538 for an amount of Rs.10 lacs, (ii) 515537 for an amount of Rs. 25.50 lacs and, (iii) 515536 for an amount of Rs. 10 lacs dated 03.02.2025 issued by ICICI Bank, Vikas Puri, New Delhi.



9. As per the term of settlement, the remaining amount of Rs.5 lacs is payable at the time of withdrawal of complaint under Protection of Women from Domestic Violence Act, 2005.

10. The receipt of entire amount of Rs.45.50 lacs is acknowledged by the respondent no.2, who is present in Court.

11. Mr. Rajiv Mohan, the learned counsel for the petitioner submits that the divorce of petitioner and the respondent no.2 has already taken place which fact has also been affirmed by the respondent no.2, who is present in Court.

12. As per the settlement, the respondent nos. 2 to 4 have also handed over the keys of the property bearing no. RZ-E-33, ad measuring 55 sq. Yds, situated in Nihal Vihar, Nangloi Delhi-110041, to the petitioner, the receipt of which is acknowledged by the petitioner.

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

14. At this stage, apt would it be to rely upon another decision of a coordinate bench of this court in **Wasim Ahmad & Ors. v. Government of NCT of Delhi & Anr.**¹, wherein in paragraphs 8 and 9, it was held as under:

“8. Upon a careful perusal of the FIR and the pleadings before this Court, it is amply clear that the issue in the present case stems from a matrimonial dispute between the parties. The parties have already settled the matter and have been granted Talaq. Respondent No. 2 has stated that the FIR No. 477/2020 came to be lodged under sections 354 IPC and 10 POCSO Act on account of misunderstandings. While this Court acknowledges the growing tendency in parties alleging grave allegations on one another merely to win matrimonial battles and strongly deprecates the practice of children being used as an instrument to set the criminal justice in motion solely to harass or intimidate the other party. Be

¹ 2023 SCC OnLine Del 5579



that as it may, this Court under 482 CrPC has the inherent jurisdiction to quash any criminal proceedings in order to secure the ends of justice or to prevent the abuse of the process of the Court.

9. In the present case, admittedly the dispute arose due to matrimonial discord between the parties. The petitioner is stated to have clear past antecedents. The FIR lodged under provisions of POCSO have admittedly been lodged owing to misunderstandings between the parties.”

15. In view of the fact that the FIR is an offshoot of matrimonial dispute of 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.

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

17. Consequently, the petition is allowed and the FIR No.19/2016 under Sections 498A/406/376/377/34 IPC and Section 10 of POCSO Act registered at Police Station Nihal Vihar alongwith all other proceedings emanating therefrom, is quashed.

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

19. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

FEBRUARY 6, 2025/dss