

(2012) 09 DEL CK 0313

In the Delhi High Court

Case No : Criminal M.C. No. 28334 of 2012

Firoz Ali Gauri and Another

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 07-09-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 406, 498A

Citation : (2013) 1 JCC 99

Hon'ble Judges : Pratibha Rani, J

Bench : Single Bench

Advocate : Mahesh Tiwari, Mr. M.R. Gupta and Mr. Bishnu Tiwari, with
Petitioners in Person, for the Appellant; Rajdipa Behura, APP for State/R-1 and
Mr. Arun Dhiman, for R-2, for the Respondent

Final Decision : Allowed

Judgement

Pratibha Rani, J.—By way of present petition filed u/s 482 Cr.P.C., the petitioners seek quashing of FIR bearing No. 23/2012, under Sections 498A /406 IPC P.S. Nihal Vihar, Delhi and all the proceedings arising therefrom. Brief facts leading to filing of this petition are that respondent No. 2 was married to the petitioner No. 1 on 29.05.2010, according to Islamic Rituals.

2. It is stated in the petition that on 03.12.2011 the petitioner has pronounced/delivered the talak to the respondent No. 2 and the concerned Maulvi has issued fatva in this regard on 05.12.2011. Thereafter on 07.02.2011, respondent No. 2 lodged FIR No. 23/2012 at PS Nihal Vihar against the petitioners. During the pendency of above case, parties arrived at an amicable settlement before Mediation Centre and decided to part finally. In terms of settlement, copy of which is placed on record as Annexure-P3, petitioner No. 1 agreed to return all the marriage articles and to pay Rs. 12.5 lacs to respondent No. 2 towards all her claims of dowry, Stridhan and maintenance etc. In terms of settlement, a sum of Rs. 8.34 lacs has already been received by respondent No. 2.

3. Respondent No. 2/complainant is not present today and Mr. Arun Dhiman, Advocate appearing on her behalf submits that respondent No. 2/complainant is hospitalized. Learned counsel for respondent No. 2 further submits that he has the instructions from respondent No. 2 to receive the Demand Draft and also to state that she has no objection if the FIR is quashed. Accordingly, the balance sum of Rs. 4.16 lacs has been received by learned counsel for respondent No. 2 in Court today vide Demand Draft No. 200711 dated 06.08.2012.

4. Counsel for the petitioners sub-mits that the petitioners and respondent No. 2 have amicably resolved their dispute and petitioner No. 1 has paid the total settled amount of Rs. 12.5 lacs and as submitted by learned counsel for respondent No. 2 that she has no grievance whatsoever left against the petitioners, no useful purpose would be served by continuance of criminal proceedings against the petitioners, hence FIR and all subsequent proceedings arising out of said FIR may be quashed. Learned counsel for respondent No. 2 is present and he has received the demand draft of Rs. 4.16 lacs from the petitioners. He further submits that as per instructions received from respondent No. 2, she has no objection if the FIR in question is quashed against the petitioners.

5. In view of the aforesaid amicable settlement arrived at between the parties, I am of the considered view that no useful purpose would be served by continuing the criminal proceedings against the petitioners which will only be a futile exercise and wastage of precious time of the Court.

6. Accordingly, the petition is allowed and FIR bearing No. 23/2012, under Sections 498A /406 IPC P.S. Nihal Vihar, Delhi and all the proceedings arising therefrom are hereby quashed, leaving the parties to bear their own costs. Order dasti