
(2025) 08 DEL CK 0634

In the Delhi High Court

Case No : Criminal Miscellaneous Petition No. 5210 Of 2025 & Criminal
Miscellaneous Petition No. 22513 Of 2025

Mohd. Arif & Ors

APPELLANT

Vs

State Of Nct Of Delhi & Anr

RESPONDENT

Date of Decision : 04-08-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 528
Indian Penal Code, 1860 — Section 34, 406, 498A, 506

Citation : (2025) 08 DEL CK 0634

Hon'ble Judges : Ravinder Dudeja, J

Bench : Single Bench

Advocate : Mohd. Tahir Qidwai, M. Sameer Alam, Hitesh Vali, Samar Inam Khan

Final Decision : Allowed

Judgement

Ravinder Dudeja, J

1. This is a petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, seeking quashing of FIR No. 0130/2022, dated 12.02.2022, registered at P.S Shaheen Bagh, Delhi under Sections 498A/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 13.01.2019 as per Muslim rites and customs at Delhi. A boy child was born out of the said wedlock. Due to temperamental differences Petitioner No. 1 and Respondent No. 2 started living separately since 21.07.2021. As per averments made in the FIR, Respondent No. 2 was subjected to physical and mental harassment and threats on account of dowry demands by the petitioners. She further submits that petitioners have made several attempts to kill her and her child and was also subjected to sexual assault. Chargesheet has since been filed under section 498A/406/506/34 IPC against the petitioners.

3. During the course of proceedings, the parties amicably resolved their disputes

and executed a Settlement Deed dated 21.08.2024 at Counselling Cell, Saket Court. In respect of the aforesaid settlement, Petitioner No. 1 and Respondent No. 2 have dissolved their marriage by mutual consent on 05.10.2024 by way of Talaqul Mubarrat. It is submitted that all conditions of the Settlement Agreement have been fulfilled including the payment of the total settlement amount of Rs. 13,00,000/- (Rupees thirteen lacs only) as per the schedule mentioned in the Settlement Deed along the articles mentioned in the Deed. It is further submitted that the custody of the child would be with Respondent No. 2 and Petitioner No. 1 shall have visitation rights. Copy of the Memorandum of Settlement Deed dated 21.08.2024 has been annexed as Annexure P-2

4. Parties are physically present before the Court. They have been identified by their respective counsels as well as by the Investigating Officer SI Akshay Dagar from PS Shaheen Bagh.

5. Respondent No. 2 confirms that the matter has been amicably settled with the petitioners without any force, fear, coercion and she has no objection if the FIR No. 0130/2022 is quashed against the Petitioners.

6. In view of the settlement between the parties, learned Additional PP appearing for the State, also has no objection if the present FIR No. 0130/2022 is quashed.

7. 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."

8. 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. 0130/2022, dated 12.02.2022, registered at P.S Shaheen Bagh, Delhi under section 498A/406/34 IPC and all the other consequential proceeding emanating therefrom.

9. In the interest of justice, the petition is allowed, and the FIR No. 0130/2022, dated 12.02.2022, registered at P.S Shaheen Bagh, Delhi under section 498A/406/34 IPC and all the other consequential proceeding emanating therefrom is hereby quashed.

10. Petition is allowed and disposed of accordingly.

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