

(2018) 07 DEL CK 0229
In the Delhi High Court
Case No : CRL.M.C. 3270 OF 2018

Mohd. Khaliq & Ors @APPELLANT@Hash State, Gntc Of Delhi & Anr

Date of Decision : 16-07-2018

Acts Referred:

Indian Penal Code 1860 — Section 34, 406, 498A

Citation : (2018) 07 DEL CK 0229

Hon'ble Judges : SANJEEV SACHDEVA, J

Bench : Single Bench

Final Decision : Allowed

Judgement

SANJEEV SACHDEVA, J. (ORAL)

1. Learned counsel for the petitioners submits that the petitioner Nos.2 and 3 are the father and mother respectively of the petitioner No.1 and are aged 72 and 62 years and on account of their present health condition, they could not be present in Court. They have filed their affidavits supporting the petition. He prays for their exemption from personal appearance.Â
2. For the reasons stated, petitioner Nos.2 and 3 are granted exemption from personal appearance.Â Â
3. The petitioners seek quashing of FIR No.176/2009 under Sections 498A/406/34 IPC, Police Station Mandawali Fazal Pur.
4. The subject FIR emanates out of matrimonial discord.Â Petitioner No.1 is the husband of respondent No.2.Â Petitioner Nos.2 and 3 are the father-in-law and mother-in-law of the respondent No.2.Â Â
5. Learned counsel for the petitioners submits that the parties have settled their disputes through the process of mediation held before Delhi Mediation Centre, Karkardooma Courts on 02.05.2018.Â As per the settlement, the parties were to take divorce.Â Â

6. The parties are present in Court in person.Â They submit that they have already been divorced as per Muslim Shariat law on 21.05.2018 and this statement has also been recorded before the Trial Court as per the settlement.Â

7. The respondent No.2 was to be paid a total sum of Rs.40,00,000/- including all her claims for maintenance as well as mehar etc. A sum of

Rs.30,00,000/- has already been paid.Â The balance sum of Rs.10,00,000/- has been paid to the respondent No.2 by way of Demand Draft

No.041409 dated 26.06.2018 drawn on Axis Bank for Rs.6,00,000/- and Demand Draft No.000789 dated 26.06.2018 drawn on Axis Bank for

Rs.4,00,000/-.

8. As per the settlement, the permanent custody of the minor daughter born out of the wedlock is to remain with the respondent No.2.Â The

petitioner No.1, who is present in Court in person, undertakes that he shall not claim any rights contrary to the settlement agreement between the

parties.Â The undertaking is accepted.Â

9. The respondent No.2 is present in person and represented by counsel and identified by the IO.Â She submits that she has settled her disputes with

the petitioners and does not wish to press charges against the petitioners and prosecute the complaint any further.

10. In view of the fact that the proceedings emanate out of a matrimonial discord and the parties have fully and finally settled their disputes and the

respondent No.2 has stated that she does not wish to press the complaint any further and the fact that the parties have already been divorced as per

Muslim Shariat law on 21.05.2018, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute

between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. It would be expedient to

quash the subject FIR and the consequent proceedings emanating there from.

11. In view of the above, the petition is allowed.Â FIR No.176/2009 under Sections 498A/406/34 IPC, Police Station Mandawali Fazal Pur and the

consequent proceedings emanating there from are quashed.Â

12. Order Dasti under the signatures of the Court Master.