

(2025) 04 DEL CK 1045

In the Delhi High Court

Case No : Criminal Miscellaneous Petition No. 1180 Of 2025

Mohd. Rashid & Ors

APPELLANT

Vs

State (Nct Of Delhi) & Anr

RESPONDENT

Date of Decision : 21-04-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 528

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

Protection of Women from Domestic Violence Act, 2005 — Section 12

Citation : (2025) 04 DEL CK 1045

Hon'ble Judges : Ravinder Dudeja, J

Bench : Single Bench

Advocate : Abid Ibrahim, Nayab Khan, Hitesh Wali, Rahul Kumar, Shah Alam

Final Decision : Allowed

Judgement

Ravinder Dudeja, J.

1. This is a petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of FIR No. 0085/2018, dated 29.05.2018, registered at P.S Chandni Mahal 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 03.02.2008 as per Muslim rites and ceremonies at Delhi. Two children namely Zaid and Zainab were born out of the said wedlock on 11.11.2009 and 25.06.2012 respectively. Thereafter, the Respondent no.2 filed petition under section 12 of the DV Act and also lodged the aforesaid FIR against Petitioner No. 1 and his family members.

3. During the proceedings, the parties have amicably resolved their disputes and executed a Memorandum of Understanding dated 15.10.2024. In pursuance of the Settlement, it is submitted that the parties have agreed to live together and that all the previous complaints and litigations initiated by the parties have been

withdrawn and all conditions of the Memorandum of Understanding have been fulfilled. The copy of Settlement Agreement dated 15.10.2024 has been placed on record as Annexure P-5.

4. The matter was placed before the Joint Registrar, who has recorded the statements of both the parties and passed the following orders:-

"18.02.2025

Today, statement of respondent no. 2 & petitioner no. 1 has been recorded to ascertain the veracity and the genuineness of the parties entering into settlement.

Respondent no. 2 lodged FIR No. 85/2018, Under Section 498-A/406/34 IPG, registered at PS Chandani Mehal, Delhi against the petitioners and charge-sheet has been filed against the petitioners.

Respondent no. 2 states that she has voluntarily and without any pressure or coercion from anyone settled all her issues and disputes with the petitioner and out of her free will have entered into compromise/MOU/Settlement dated 15.10.2024 which is on record as Annexure P-5 at page no. 69 bearing her signatures.

As per settlement, now Respondent no. 2 is happily residing with the petitioner no. 1 (Sh. Mohd. Rasheed) in separate home peacefully after reconciling all the issues and disputes.

As per the settlement, Respondent no. 2 has no objection if FIR bearing No. 85/2018, Under Section 498-A/406/34 IPG, registered at PS Chandani Mehal, Delhi and all proceedings emanating there from is quashed by the Hon'ble Court against all the petitioners. Respondent no. 2 states that she undertakes to withdraw all other cases instituted against the petitioner by her, if any.

Respondent no. 2 has been identified by his counsel.

This pre verified report along with the petition may be placed before the Hon'ble Court on 21st April, 2025 alongwith the statements recorded today. Date given at specific request of Ld. Counsel for respondents.

5. All petitioners except petitioner no.2 are physically present before the Court with Mr. Abid Ibrahim, Advocate. Respondent No.2 is also present with Mr. Rahul Kumar and Mr. Shah Alam, Advocates. They have been identified by their respective counsels as well as by the Investigating Officer SI Saminder Singh, from PS Chandni Mahal.

6. Respondent no.2 submits that the matter has been settled with the petitioners without any force, fear, coercion and that she has started living together with the Petitioner no.1. She further submits that she has no objection if the FIR No. 0085/2018 alongwith charge sheet is quashed against the petitioners.

7. In view of the settlement between the parties, learned Additional PP appearing

for the State, also has no objection if the present FIR No. 0085/2018 alongwith charge sheet is quashed.

8. 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."

9. 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. 0085/2018, dated 29.05.2018, registered at P.S Chandni Mahal under sections 498A/406/34 IPC and all the other consequential proceeding emanating therefrom.

10. In the interest of justice, the petition is allowed, and the FIR No. 0085/2018, dated 29.05.2018, registered at P.S Chandni Mahal under sections 498A/406/34 IPC along with the charge sheet and all the other consequential proceeding emanating therefrom is hereby quashed.

11. Petition is allowed and disposed of accordingly.

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