
(2018) 10 DEL CK 0063

In the Delhi High Court

Case No : Criminal Miscellaneous CaseNo.5001 OF 2018

Mohd. Rizwan & Ors

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 01-10-2018

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 406, 498A, 506

Citation : (2018) 10 DEL CK 0063

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Final Decision : Allowed

Judgement

SANJEEV SACHDEVA, J

Crl. M.A. 33266/2018 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 4998/2018

1. Petitioners seek quashing of FIR No. 191 of 2016 under Sections 498A/406/323/506/34 IPC registered at Police Station Khyala, Delhi, based on a settlement. Â

2. Subject FIR emanates out of matrimonial discord. Â

3. Learned counsel for the petitioners submits that the parties have settled their disputes through the process of mediation held before Delhi Mediation

Centre, Tis Hazari Courts, Delhi on 23.02.2018. Parties have been divorced by a decree of divorce of Mubarat dated 20.04.2018 in accordance with

muslim law.

4. As per the settlement, a total sum of Rs. 4,00,000/- has been agreed to be

paid by the petitioners to respondent no. 2 in full and final settlement of all the claims of respondent no. 2. A sum of Rs. 3,00,000/- has already been paid to respondent no. 2 and the balance sum of Rs. One lakh is being paid by way of DD/Bankers Cheque Nos. 223939, 223940, 223941, all dated 14.07.2018 for a sum of Rs. Rs. 30,000/-, Rs. 30,000/- and Rs. 40,000/- respectively issued by Punjab National Bank to respondent no. 2, today in Court.

5. Respondent No.2 is present in person and is identified by the Investigating Officer. 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.

6. 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 by way

of a decree of divorce, passed on 20.04.2018, 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 therefrom.

7. As per the settlement the minor child shall remain in the permanent custody of petitioner no. 2. The respondent no. 2 who is present in Court

undertakes that she will not claim any rights contrary to the settlement terms.

8. In view of the above, the petition is allowed. FIR No. 191 of 2016 under Sections 498A/406/323/506/34 IPC registered at Police Station Khyala,

Delhi and the consequent proceedings emanating there from are quashed.

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