

(2025) 04 DEL CK 1047

In the Delhi High Court

Case No : Criminal Miscellaneous Petition No. 10101 Of 2024

Rizwan Ahmad & 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, 379, 406, 420, 494, 498A
Protection of Women from Domestic Violence Act, 2005 — Section 12

Citation : (2025) 04 DEL CK 1047

Hon'ble Judges : Ravinder Dudeja, J

Bench : Single Bench

Advocate : Wasim Ansari, Satinder Singh Bawa, Ansar Ahmad

Final Decision : Allowed

Judgement

Ravinder Dudeja, J.

1. This is a petition under Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023 seeking quashing of FIR No. 1195/2023, dated 29.11.2023, registered at P.S Mangol Puri under sections 498/406/34 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 02.04.2013 as per Muslim rites and ceremonies. One child namely Izaan Ahmad was born out of the said wedlock on 07.06.2014. It is submitted that due to temperamental differences, the couple started living separately from 11.07.2022. The Petitioner No.1 lodged FIR No. 1037/2023 under sections 379/406/494/420/34 IPC, registered at PS Civil Line, District Moradabad, UP. Thereafter, the Respondent No.2 filed a petition under section 12 of the DV Act and a complaint which culminated into the registration of FIR No. 1195/2023 against Petitioner No. 1 and his family members.

3. During the pendency of the proceedings, the parties were referred to

mediation by the Court of Ld. JMFC, Mahila Court-01, Rohini Courts, Delhi where they amicably settled their disputes/claims before the Mediation Centre, Rohini Courts, Delhi vide Settlement/ Agreement dated 04.12.2024. In pursuance of the Settlement, the parties have already parted ways by taking mutual divorce as per Muslim Law thereby dissolving the marriage between the Petitioner No.1 and Respondent No.2 on 10.12.2024. The final instalment of Rs. 10,00,000/- bearing DD No. 887396 drawn on Punjab National Bank, Moradabad, UP is handed over by the Petitioner No.1 to the Respondent No.2 in court today. It is submitted that all conditions of the Settlement Agreement have been fulfilled including the payment of the total settlement amount of Rs. 18,50,000/- as per the schedule mentioned in the Settlement Agreement. The copy of Settlement Agreement dated 04.12.2024 has been placed on record as Annexure P-3.

4. Petitioner nos. 1 to 3, 6 and respondent no. 2 are physically - present before the Court while Petitioner nos. 4, 5, 7 and 8 have entered their appearance through VC. They have been identified by their respective counsels as well as by the Investigating Officer SI Sadhna, from PS Mangol Puri.

5. Respondent No.2 submits that the matter has been settled with the petitioners without any force, fear, coercion and she has received the payment of the entire settlement amount of Rs. 18,50,000/- from Petitioner No.1 as mentioned in the Settlement Agreement dated 04.12.2024. She also acknowledges the receipt of the final instalment of Rs. 10,00,000/- bearing DD No. 887396 drawn on Punjab National Bank, Moradabad, UP from Petitioner No.1 in court today. She further submits that she has no objection if the FIR No. 1195/2023 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. 1195/2023 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. 1195/2023, dated 29.11.2023, registered at P.S Mangol Puri under sections 498/406/34 IPC and all the other consequential proceeding emanating therefrom.

9. In the interest of justice, the petition is allowed, and the FIR No. 1195/2023, dated 29.11.2023, registered at P.S Mangol Puri under sections 498/406/34 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.