
(2021) 02 DEL CK 0191

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 507 Of 2021, Criminal Miscellaneous Application No. 2596 Of 2021

Shanwaz & Ors.

APPELLANT

Vs

State (Govt. Of N.C.T.) & Anr

RESPONDENT

Date of Decision : 18-02-2021

Acts Referred:

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

Citation : (2021) 02 DEL CK 0191

Hon'ble Judges : Suresh Kumar Kait, J

Bench : Single Bench

Advocate : Farhim Khan, Nasimuddin, Izhar Ahmed, Kunwar Narendera

Final Decision : Disposed Of

Judgement

Suresh Kumar Kait, J

1. Vide this petition, petitioners are seeking quashing of FIR No.139/2017, under Sections 498A/406/34 IPC, registered at police station Gokul Puri,

New Delhi.

2. Notice issued.

3. Mr. Izhar Ahmed, learned Additional Public Prosecutor for State accepts notice and submits that respondent No.2 is present in the Court and she

has been identified as the complainant of FIR in question by the Investigating Officer of this case, who is also present in the Court.

4. With the consent of the parties, the present petition is taken up for final hearing.

5. The marriage between petitioner No.1/husband and respondent No.2/wife was solemnized on 25.02.2015 as per Muslim Rites and Customs and due

to temperamental differences, the marriage could not work and they started living separately since August, 2016. The matrimonial dispute between the parties culminated into the FIR in question.

6. The present petition has been filed on the ground that the parties have amicably settled their matrimonial dispute in terms of Settlement dated 11.02.2020 reached through Family Court, Karkardooma Courts, Delhi.

7. Learned counsel for the petitioners submits that the marriage between petitioner No.1 and respondent No.2 stands dissolved by a mutual consent divorce on 19.02.2020 and as per Muslim Shariat and the terms of settlement have been fully acted upon. It is so affirmed by respondent No.2, who is also present in the Court.

8. Keeping in view that the dispute between the parties has been amicably resolved, this Court is inclined to quash the FIR in question, as no useful purpose would be served in continuing with the proceedings arising out of the present FIR.

9. For the reasons afore noted, FIR No.139/2017, under Sections 498A/406/34 IPC, registered at police station Gokul Puri, New Delhi and consequent proceedings emanating therefrom against the petitioners, are hereby quashed.

10. The petition is accordingly allowed and disposed of.

11. Pending application also stands disposed of.