

(2018) 07 DEL CK 0165
In the Delhi High Court
Case No : CRL.M.C. 3339 OF 2018

Shiraz Ahmed @APPELLANT@Hash State & Anr

Date of Decision : 09-07-2018

Acts Referred:

Indian Penal Code 1860 — Section 34, 406, 498A
Dowry Prohibition Act, 1961 — Section 4

Citation : (2018) 07 DEL CK 0165

Hon'ble Judges : SANJEEV SACHDEVA, J

Bench : Single Bench

Final Decision : Allowed

Judgement

SANJEEV SACHDEVA, J. (ORAL)

CrI.M.A.12107/2018 (exemption)

Exemption is allowed subject to all just exceptions.Â

CRL.M.C. 3339/2018 & CrI.M.A.12106/2018

1. The petitioners seek quashing of FIR No. 94 of 2013 under Sections 498A/406/34 of the IPC read with Section 4 of the Dowry Prohibition Act at

Police Station Jyoti Nagar, Delhi, based on a settlement. It is contended that the FIR was lodged consequent to a matrimonial discord.Â

2. Learned counsels for the parties submit that the parties have settled their disputes and have amicably dissolved their marriage by mutual consent

and decree of divorce as per Muslim law has been passed. It is further submitted on behalf of the parties that parties had entered into the settlement

before the Counselling Cell of the Family court, Karkardooma, Shahdara, Delhi on 09.11.2017.Â Â

3. As per the settlement,Â a total sum of Rs. 3,50,000/-Â was agreed to be paid to respondent no. 2. The amount of Rs. 2,65,000/- has already been

paid to respondent no. 2. The balance amount of Rs.85,000/- has been paid by way of cash which is accepted by respondent No.2.

4. Respondent no. 2 who is present in court in person and is identified by the counsel.Â She confirms that she has received the entire sum of Rs.

3,50,000/- from the petitioner. Respondent no. 2 submits that she has settled the dispute with the petitioner and is agreeable to the settlement and does not wish to press the criminal charges against the petitioner any further.Â

5. It is submitted by the parties that in terms of the settlement, the proceedings which were initiated by respondent No.2 under the Domestic Violence Act have already been withdrawn as settled.

6. As per the agreement, the permanent custody of the minor child shall remain with the respondent No.2. The petitioner who is present in Court in person undertakes that he shall no claim rights contrary to the settlement terms. The undertaking is accepted.

7. In view of the fact that disputes between the petitioner and respondent no. 2 emanate out of a matrimonial discord and have been settled, 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.Â Â

8. In view of the above, the petition is allowed.Â FIR No. 94 of 2013 under Sections 498A/406/34 of the IPC read with Section 4 of the Dowry Prohibition Act at Police Station Jyoti Nagar, Delhi, and the consequent proceedings there from are, accordingly quashed.Â

Order Dasti under signatures of the Court Master.