

Mohd. Kamran & Ors vs Govt.Of Nct Of Delhi & Anr on 21 April, 2023

Author: Amit Sharma

Bench: Amit Sharma

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(CRL) 1114/2023
MOHD. KAMRAN & ORS.

..... P
Through: Mr. S.A. Rajput, Advocat
petitioners in-person.

versus

GOVT.OF NCT OF DELHI & ANR.

..... R
Through: Mr. Amol Sinha, ASC for
with Mr. Kshitiz Garg, M
Kumar, Ms. Chavi
Advocates alongwith S.I.
Singh, P.S. BH Rao.
Respondent no. 2 in-pers

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA
ORDER

% 21.04.2023 CRL.M.A. 10525/2023 (Exemption)

1. Exemption allowed, subject to just exceptions.
2. The application is disposed of accordingly. W.P.(CRL) 1114/2023
3. The present writ petition under Article 226 of the Constitution of India read with Section 482 of the Cr.P.C. seeks quashing of FIR No. 88/2022, under Sections 498A/406/34 of the IPC, registered at P.S. Bara Hindu Rao.
4. The marriage between petitioner no.1/husband and respondent no.2/wife was solemnized on 29.04.2016 as per Muslim rites and customs.
5. No child was born out of the said wedlock.
6. Due to matrimonial differences between petitioner no. 1 and respondent no. 2, the parties resided separately from 11.09.2020. Subsequently, respondent no.2/complainant lodged an FIR against the petitioners.

7. Learned counsel for the petitioners submits that in pursuance of the Settlement Agreement dated 16.12.2022, parties arrived at settlement before the Delhi Mediation Centre, Tis Hazari Courts, Delhi. It is further stated that the parties living together, at their matrimonial home, since 16.12.2022.

8. Petitioners and complainant/respondent no. 2 are present before the Court and have been duly identified by their respective counsel, as well as the Investigating Officer, S.I. Kavindra Singh, P.S. Bara Hindu Rao.

9. The Complainant/respondent No.2 states that the matter has been settled and she is living with petitioner no. 1 since 16.12.2022 at their matrimonial home and she has no objection if the FIR is quashed against the petitioners.

10. In view of the settlement between the parties, learned ASC for the State also has no objection if the present FIR is quashed.

11. In *Gian Singh v. 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."

12. In view of the aforesaid circumstances, and the fact that the parties have put a quietus to the dispute, no useful purpose will be served in continuing with the FIR No. 88/2022, under Sections 498A/406/34 of the IPC, registered at P.S. Bara Hindu Rao.

13. In the interest of justice, the petition is allowed, and the FIR No. 88/2022, under Sections 498A/406/34 of the IPC, registered at P.S. Bara Hindu Rao, is hereby quashed.

14. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J APRIL 21, 2023/ab