

Mohammad Saleem Ansari & Ors vs State Nct Of Delhi & Anr on 7 January, 2022

Author: Anu Malhotra

Bench: Anu Malhotra

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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.M.C. 68/2022 & CRL.M.A. 274/2022

MOHAMMAD SALEEM ANSARI & ORS.

..... P

Through: Mr. Tabrez Ahmad, Advocate.

versus

STATE NCT OF DELHI & ANR.

..... Respondents

Through Mr. Izhar Ahmed, APP for State with
SI Suresh Kumar Meena, PS New
Usmanpur.

Mr. Tabrez Ahmad, Advocate for R-
2.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA
ORDER

% 07.01.2022 (Through Video Conferencing) CRL.M.A. 274/2022 (Ex.) Exemption allowed subject to all just exceptions. The application stands disposed of.

Vide the present petition, the petitioners seek the quashing of the FIR No.112/2007, PS New Usman Pur under Sections 498A/406/34 of the Indian Penal Code, 1860 and Sections 3 & 4 of the Dowry Prohibition Act, submitting inter alia to the effect that a settlement has since been arrived at between the petitioners and the respondent No.2 vide a settlement document i.e., a compromise deed dated 28.09.2021, pursuant to which a sum of Rs. Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:10.01.2022 13:02:46 This file is digitally signed by PS to HMJ ANU MALHOTRA.

Rs.8,50,000/- has been paid by the petitioners to the respondent No.2 and that no useful purpose would be served by the continuation of the said FIR.

The deputed Investigating Officer of the case has identified the petitioners as being the three accused arrayed in the FIR in question and has also identified the respondent No.2 as being the complainant thereof.

The respondent No.2 in her deposition on oath in replies to specific Court queries has affirmed having signed her affidavit dated 27.12.2021 and compromise deed dated 28.09.2021 voluntarily

and she has submitted that, in terms of the compromise deed dated 28.09.2021, she has received a sum of Rs. Rs.8,50,000/- from the petitioners and that there are no claims of hers left against the petitioner now. She further affirms, in reply to a specific Court query, that she does not intend to seek any rights in the property of the petitioners. She has, however, stated to the effect that there has been no divorce i.e., no talak, effected between her and the petitioner No.1 so far. She further states that she has understood the implications of the statement made by her, which she has made voluntarily and that thus she does not oppose the prayer made by the petitioner seeking the quashing of the FIR No.112/2007, PS New Usman Pur under Sections 498A/406/34 of the Indian Penal Code, 1860 and Sections 3 & 4 of the Dowry Prohibition Act, nor does she want the petitioner to be punished in relation thereto. She further stated that her daughter namely Simran of 17 years of age lives with her.

On behalf of the State, there is no opposition to the prayer made by the petitioner seeking the quashing of the FIR in question in view of the settlement arrived at between the parties.

On a consideration of the submissions that have been made on behalf of either side, the deposition of the respondent No.2 and there being no Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:10.01.2022 13:02:46 This file is digitally signed by PS to HMJ ANU MALHOTRA.

reason to disbelieve her statement that she has arrived at a settlement with the petitioners and for the maintenance of peace and harmony between the petitioners and the respondent No.2, specifically taking into account the factum that so far there has been no divorce between the petitioner and the respondent No.2, qua which learned counsel for the petitioners has submitted that there is still scope for a resolution in the matter, it is considered appropriate to put a quietus to the litigation between the parties qua the FIR No.112/2007, PS New Usman Pur under Sections 498A/406/34 of the Indian Penal Code, 1860 and Sections 3 & 4 of the Dowry Prohibition Act, against the petitioner Nos. 1 to 3, which is thus quashed.

However, it is made expressly clear that despite the quashing of the FIR No.112/2007, PS New Usman Pur under Sections 498A/406/34 of the Indian Penal Code, 1860 and Sections 3 & 4 of the Dowry Prohibition Act, and despite the compromise deed dated 28.09.2021, and the term of the said agreement in paragraph 7 thereof, which reads to the effect:-

"7. That the first party and her daughter shall have no right to file any claim or right in the property of the second party whatsoever in any manner.", whereby it has, inter alia, been agreed by the respondent No.2 that her daughter would have no right to file any claim or right in the property of the petitioners whatsoever, in any manner, despite the said term in the compromise deed, the same cannot amount to any embargo on the minor child, Simran, born of the wedlock between respondent No.2 and the petitioner No.1, seeking her rights qua maintenance or otherwise against the petitioners in accordance with law, in view of the verdict of the Hon'ble Supreme Court in the "Ganesh vs. Sudhirkumar Shrivastava & Ors." and Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:10.01.2022 13:02:46 This file is digitally signed by PS to HMJ ANU MALHOTRA.

adhered to by this Court in "Rakesh Jain vs. State & Anr."

The petition is disposed of accordingly.

ANU MALHOTRA, J JANUARY 7, 2022 ha Signature Not Verified Digitally Signed By:SUMIT GHAI
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MOHAMMAD SALEEM ANSARI & ORS. Versus STATE NCT OF DELHI & ANR.

07.01.2022 CW-1. SI Suresh Kumar Meena, PS New Usman Pur. ON S.A. I am the Investigating
Officer of FIR No.112/2007, PS New Usman Pur under Sections 498A/406/34 of the Indian Penal
Code, 1860 and Sections 3 & 4 of the Dowry Prohibition Act.

I identify the petitioner nos.1 to 3 i.e. petitioner no.1 Mohammad Saleem Ansari, petitioner no.2
Sabeela and petitioner no.3 Mohd. Mustaqim Ansari as being the three accused arrayed in the
aforesaid FIR whom I have seen at the police station and I have identified them. There are two other
accused in the case namely Mohd. Hanif Ansari and Haseena Begam i.e. the parents-in-laws of the
respondent no.2, who have since expired.

I also identify the respondent no.2 Aijaz Bano Ansari as being the complainant of the said FIR.

R0 & AC
07.01.2022

ANU MALHOTRA, J

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IN THE HIGH COURT OF DELHI: NEW DELHI CRL.M.C. 68/2022 & CRL.M.A. 274/2022
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07.01.2022 CW-2. Aijaz Bano Ansari, w/o Mohammad Saleem Ansari, age 47 years, r/o H. No.
D-5/2, Street No.2, Bheem Gali, IIrd Pusta, Vijay Colony, Usmanpur, Bhajan Pura, Delhi-110053
ON S.A. My affidavit dated 27.12.2021 bears my signatures thereon and the settlement document
i.e., a compromise deed dated 28.09.2021 also bears my signatures thereon which I have signed

voluntarily of my own accord without any duress pressure or coercion from any quarter.

In terms of the settlement arrived at between me and the petitioners, I have received a total settled sum of Rs.8,50,000/- from the petitioners. So far, there has been no divorce i.e., talak, between me and the petitioner No.1.

In view of the settlement that has been arrived at between me and the petitioners, I do not oppose the prayer made by the petitioners seeking the quashing of the FIR No.112/2007, PS New Usman Pur under Sections 498A/406/34 of the Indian Penal Code, 1860 and Sections 3 & 4 of the Dowry Prohibition Act, nor do I want the petitioner Nos. 1 to 3 to be punished in relation thereto. As per the terms of the settlement dated 27.12.2021, there are now no further claims of mine left against the petitioners and I do not intend to seek any rights in the property of the petitioners.

I have a daughter namely Simran of 17 years of age and she lives with me.

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I have studied till standard Seventh. I have made my statement after understanding its implications and I do not want to think again. I have made my statement voluntarily of my own accord without any duress pressure or coercion from any quarter.

R0 & AC
07.01.2022

ANU MALHOTRA, J

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