

# Nadeem Chaudhary And Ors vs State ( Govt Nct Of Delhi) And Anr on 6 October, 2021

**Author: Mukta Gupta**

**Bench: Mukta Gupta**

\$~ 21

\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 2432/2021  
CRL.M.A. 16016/2021

NADEEM CHAUDHARY AND ORS ..... Petitioner  
Represented by: Mr.Anil, Advocate for the petitioners  
with petitioners in person.

Versus

STATE ( GOVT NCT OF DELHI) AND ANR .... Respondent  
Represented by: Mr.G.M.Farooqui, APP for the State  
with SI Vineet Kumar, P.S.Dayalpur.  
Mr.S.Ahmed, Advocate for the  
respondent No.2 with respondent No.  
2 in person.

CORAM:  
HON'BLE MS. JUSTICE MUKTA GUPTA  
ORDER

% 06.10.2021 The hearing has been conducted through physical mode. CRL.M.A.16016/2021 (exemption)

1. Exemption allowed, subject to just exceptions.

2. Application is disposed of.

1. By this petition, the petitioners seek quashing of FIR No. 363/2019 under Sections 498A/406/34 IPC registered at PS-Dayalpur on the complaint of respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

CRL.M.C. 2432/2021 Page 1 of GUPTA

2. Notice. Mr.G.M.Farooqui, learned APP for the state accepts notice. On instructions, he submits that in the above-noted FIR the four petitioners are the accused and respondent No.2 is the only complainant/victim.

3. In the above-noted FIR, the respondent No. 2 stated that she got married to the petitioner No. 1 on 15th November 2014 and on the asking of her in-laws, her father had spent a sum of 20 lakhs on the marriage. Since her father-in-law had purchased new Swift Dzire just prior to the marriage, he stated to the father of the respondent No. 2 that since he had already brought the car, father of the respondent No. 2 should give money in lieu of the vehicle, jewellery, other dowry articles etc. besides cash of 5 lakhs. Thereafter, father-in-law stated that since the car was brought for 7.5 lakhs, they should also pay a further sum of 2.5 lakhs which amount was also given by her father. She stated that situation was fine till one and a half years of marriage, however, thereafter, her younger brother got married on which her father-in-law got annoyed stating that they had not been welcomed as per their status. Thereafter, her father-in-law, mother-in-law and husband got upset and stopped talking to her and did not allow her to talk to her family members. They started assaulting her and taunting her. Her father gave a normal phone to her which was also a bone of contention between the parties. She alleged that after the birth of daughter, atrocities of the in-laws increased and they demanded a sum of 1 lakh to purchase a shop in the village and the respondent No. 2 was constantly harassed to meet the demand of the petitioners. On 23rd July 2017, her brother-in-law left the complainant at her house stating that she should come back only with 1 lakh. Thereafter, with the intervention of the people, the petitioner No. 1 took her back to the matrimonial home. However, again the respondent No. CRL.M.C. 2432/2021 Page 2 of GUPTA 2 was assaulted and abused and finally on 19th June 2018, when she was again assaulted, she informed her parents who came to her place and took her to her parental home. It is alleged that thereafter, the petitioners took no care of the respondent No. 2 or the minor daughter.

4. During the pendency of the investigation in the above-noted FIR, parties have entered into a settlement vide MoU dated 20th July 2020, copy whereof is annexed as Annexure-D to the present petition.

5. Respondent No. 2 is present in Court physically and is identified by the learned counsel and Investigating Officer. She states that she has settled the matter with the petitioners vide the Memorandum of Understanding dated 20th July 2020 pursuant where to, the petitioner No. 1 and the respondent No. 2 have been granted divorce as per the muslim customs. In lieu of all her claims towards streedhan, maintenance, alimony, Mehr, Iddat etc., respondent No.2 was to receive a total sum of 14 lakhs, which amount has been received by her today in Court through two demand drafts of 7 lakhs each bearing Nos. 255897 & 255895 drawn on Punjab National Bank. She states that the minor daughter born from the wedlock will remain in her care and custody, however, the petitioner No. 1 would have visitation rights till minor daughter attains majority. She states that she has now no claim whatsoever against the petitioners and does not wish to pursue the above- noted FIR and the proceedings pursuant thereto. She undertakes to abide by the terms of settlement arrived at between the parties.

6. Petitioners are present in Court physically and are identified by the learned counsel. They affirm the statement of respondent No.2 and undertake to abide by the terms of settlement.

7. In view of the fact that the parties have amicably resolved their CRL.M.C. 2432/2021 Page 3 of GUPTA differences of their own free will, volition and without any coercion and no useful purpose

will be served in continuance of the proceedings, rather the same would create further acrimony between them, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

8. Consequently, FIR No. 363/2019 under Sections 498A/406/34 IPC registered at PS-Dayalpur and proceedings pursuant thereto are hereby quashed.

9. Petition is disposed of.

10. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

OCTOBER 06, 2021/akb

CRL.M.C. 2432/2021

Page 4 of GUPTA