

**Firasat and ors Vs. State and anr**

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**SooperKanoon Citation :** [sooperkanoon.com/924455](http://sooperkanoon.com/924455)

**Court :** Delhi

**Decided On :** Feb-07-2012

**Appellant :** Firasat and ors

**Respondent :** State and anr

**Judgement :**

\$~20 \* IN THE HIGH COURT OF DELHI AT NEW DELHI + CRL.M.C.457/2012 %  
Judgment delivered on:07th February, 2012 FIRASAT and ORS ..... Petitioners  
Through : Mr.Javed Khan, Adv. versus STATE and ANR ..... Respondents  
Through : Ms. Rajdipa Behura, APP for the State Mr. D.K. Singh, Adv.for R-2  
CORAM: HON'BLE MR. JUSTICE SURESH KAIT SURESH KAIT, J. (Oral) CrI.  
M.A. 1585/2012 Exemption allowed subject to all just exceptions.  
CRL.M.C.457/2012.

1. Notice..

2. Ld. APP accepts notice on behalf of the State..

3. Ld. Counsel for respondent No.2, Mr. D.K. Singh accepts notice on behalf of respondent No.2..

4. With the consent of the parties, the matter is taken up for final hearing.  
CrI.M.C.No.457/2012 Page 1 of 4.

5. Vide the instant petition, the petitioners have sought to quash FIR No. 103/2009 registered at PS Welcome, Delhi under Section 406/498-A/34 of the Indian Penal Code, 1860 read with Sections 3 and 4 of the Dowry Prohibition Act and the proceedings pending before the trial court..

6. Ld. Counsel for the petitioners has submitted that during the pendency of the case before the trial court, the respondent No.2 has amicably settled all the issues qua the aforesaid FIR with the petitioners vide MOU dated 25.01.2012..

7. Ld. Counsel for the petitioner, on instructions, submits that it was agreed in the aforesaid MOU that the petitioner No.1 (husband) shall pay Rs.90,000/- towards full and final settlement. The petitioner No.1 has paid the said amount to the respondent No.2. However, the petitioner No.1 has come forward to pay Rs.1,000/- p.m. for bringing up of his son Mohd. Mouz, aged 4 years. It is further submitted that the respondent no.2 is no more interested to pursue the aforesaid FIR. Therefore, the FIR mentioned above and the proceedings before the trial court be quashed..

8. Respondent No.2 is personally present in the Court with her counsel Mr. D.K. Singh..

9. On instructions, Id. Counsel for the respondent No.2 has submitted that since the matter has been settled amicably vide the aforesaid MOU dated 25.01.2012 and the petitioner No.1 has further agreed to pay Rs.1,000/- p.m. in favour of his son, therefore, she is no more interested in pursuing the instant case and has no objection if the above mentioned FIR and proceedings emanating therefrom are quashed..

10. Ld. APP on the other hand submits that the State has already filed the charge sheet and the charges are yet to be framed. She has prayed that if this court is inclined to quash the FIR, heavy costs should be imposed upon the petitioners, as the government machinery has been used and precious time of the Court has been consumed..

11. I find force in the submissions of Id. APP for the State. Therefore, I direct the petitioners No.1, 4 and 5 to pay Rs.5,000/- each to be paid within six weeks from today in favour of Mohd. Mouz, son of the petitioner No.1 and the respondent No.2..

12. I, therefore, direct respondent No.2 to keep the aforesaid amount of Rs.15,000/- in the form of FDR initially for five years, to be renewed periodically, and the maturity amount shall be utilised for the welfare of the child Md. Mouz..

13. Keeping in view the above discussion and the statement of respondent No.2, in the interest of justice, I quash FIR No. 103/2009 registered at PS Welcome, Delhi and all the proceedings emanating therefrom..

14. Criminal M.C. 457/2012 is allowed. CrI.M.C.No.457/2012 Page 3 of 4.

15. I further make it clear that if the petitioner No.1 fails to pay the aforesaid amount of Rs.1,000/- p.m. even for once, he shall be liable for contempt proceedings..

16. Dasti. SURESH KAIT, J FEBRUARY 07, 2012 RS CrI.M.C.No.457/2012 Page 4 of 4

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