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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 594/2024**

NIRBHAY KUMAR SHRIVASTAVA & ORS.Petitioners

Through: Ms. Chandrika Prasad Mishra, Ms. P. Singh and Mr. Ankit Pandey, Advocates.
Petitioners *via* video-conferencing.

versus

STATE OF NCT OF DELHI & ANR.Respondents

Through: Mr. Utkarsh, APP for the State with SI Mohd. Kafeel, P.S.: K. M. Pur.
Mr. Ankit Gupta, Advocate for R2 with R2 in-person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

16.08.2024

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By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973, the petitioners seek quashing of case FIR No. 0008/2016 dated 07.01.2016 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Badarpur, Delhi.

2. The petition is premised on Settlement Deed dated 02.08.2023 and Divorce Decree dated 06.04.2024, which is the culmination of petitions under sections 13B(1) and 13B(2) of the Hindu Marriage Act 1955, whereby the parties had sought dissolution of their marriage by mutual consent.
3. The petition is also supported by affidavits of the petitioners, as also of respondent No. 2, alongwith proofs of their I.D.s.



4. The petitioners have joined *via* video-conferencing and respondent No. 2 is present in court. Their credentials have been verified and they have also been identified by their respective counsel.
5. No appeal is stated to have been filed from the divorce decree.
6. The court has queried respondent No. 2, who confirms that she has taken divorce by mutual consent; and that a settlement deed has been entered into between the parties; and that in full-and-final settlement of all her claims including towards maintenance (past, present and future), *stridhan*, dowry articles, jewellery, permanent alimony, etc., she was to receive a sum of Rs. 5,00,000/- from petitioner No. 1; and that the entire has already been received by her, in compliance of the terms of the settlement deed. Respondent No. 2 confirms that all aspects of the settlement have now been performed.
7. Ms. Utkarsh, learned APP confirms that the State has no objection to the subject FIR being quashed.
8. In the circumstances, in line with the law laid down by the Supreme Court in ***Gian Singh vs. State of Punjab & Anr.*** reported as (2012) 10 SCC 303 as also in ***Narinder Singh & Ors. vs. State of Punjab & Anr.*** reported as (2014) 6 SCC 466, this court sees no reason why the subject FIR and all proceedings emanating therefrom should not be quashed. This court is of the view that in light of the settlement between the contesting parties, continuing with the subject FIR and all subsequent proceedings would be an exercise in futility and would not be conducive to peace and harmony between the parties.



9. Accordingly, FIR No. 0008/2016 dated 07.01.2016 registered under sections 498-A/406/34 IPC at P.S.: Badarpur, Delhi is quashed. All proceedings arising therefrom also stand closed.
10. Needless to add that the settlement between the parties leading to the closure of all criminal proceedings by way of the present order will in no way affect the rights of the minor child Nandika Srivastav *vis-à-vis* his father, as may be available under law, in any manner whatsoever.
11. Petition stands disposed-of.
12. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

AUGUST 16, 2024

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