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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 1490/2024

HETRAM @ HET SINGH AND ORS.

.....Petitioners

Through: Mr. Parmesh Bali, Mr. Sushil Bali
and Mr. Abhilakshya Rakesh,
Advocates.

versus

STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Utkarsh, APP for the State.
SI Chinki Yadav, P.S. Bharat Nagar.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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08.07.2024

Crl. M.C. 1490/2024

By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973, the petitioners, who are the former husband, father-in-law, mother-in-law and sisters-in-law of the complainant/respondent No.2, seek quashing of case FIR No.177/2013 dated 29.06.2013 registered under sections 498-A/406 of the Indian Penal Code, 1860 ('IPC') at P.S.: Bharat Nagar. It appears from the record that consequent upon completion of investigation, *vide* charge-sheet dated 31.07.2017, offences under section 34 IPC and sections 3/4 of the Dowry Prohibition Act, 1961 were also added.

2. The petition is premised on Settlement/Agreement dated 05.12.2023 arrived at through mediation before the Delhi Mediation Centre,



Rohini District Courts, Delhi; and divorce decree dated 30.03.2024, which is the culmination of petitions under sections 13B(1) and 13B(2) of the Hindu Marriage Act 1955, whereby petitioner No.1 and respondent No.2 had sought dissolution of their marriage by mutual consent.

3. No appeal is stated to have been filed from the divorce decree.
4. The court is informed that one girl child - Sarika - was born from the wedlock, who is still minor and is presently residing with respondent No. 2.
5. The petition is also supported by affidavits of all the petitioners, as also of respondent No. 2, alongwith proofs of their I.D.s.
6. The petitioners as well as respondent No.2 are present in court. Their credentials have been verified and they have also been identified by their respective counsel.
7. The court has queried Ms. Mamta, respondent No. 2, who confirms that she has taken divorce by mutual consent; and that the settlement agreement has been entered into between the parties; and that in full-and-final settlement of all her claims including towards maintenance (present, past and future), *stridhan*, dowry articles, jewellery, permanent alimony etc., she was to receive a sum of Rs. 4,25,000/- from petitioner No. 1; out of which two instalments of Rs. 1,50,000/- each were paid earlier and the final instalment of Rs. 1,25,000/- has been paid in court today. Respondent No.2 confirms that all aspects of the settlement have now been performed.
8. Mr. Utkarsh, learned APP confirms that the State has no objection to the subject FIR being quashed.



9. 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.
10. Accordingly, FIR No.177/2013 dated 29.06.2013 registered at P.S.: Bharat Nagar is quashed. All proceedings arising therefrom also stand closed.
11. 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 Sarika vis-à-vis her father, as may be available under law, in any manner whatsoever.
12. Petition stands disposed-of.
13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

JULY 8, 2024

V.Rawat