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

+ **CRL.M.C. 1612/2024**

MR. ROHIT KUTHIALA AND ANR. Petitioners

Through: Mr. Rakesh Munjal, Sr. Adv. with
Ms. Shreya Singh Ali, Adv.
alongwith petitioner nos. 1 & 2
versus

STATE OF NCT OF DELHI AND ANR. Respondents

Through: Mr. Satish Kumar, APP for the State
with SI Vijay Pal Singh, PS CWE
Nanak Pura
Mr. Vishal Chadha, Adv. for R-2
with R-2 in person

CORAM:
HON'BLE MS. JUSTICE SAURABH BANERJEE

% **ORDER**
22.04.2024

1. Learned senior counsel for the petitioners submits that though the amended MoU dated 01.07.2023 *inter se* the petitioner no.1 and respondent no.2 has already been filed vide diary no. E-1163135/2024 in terms of the last order dated 27.02.2024, however, the same is not on record. Let the same be taken/ placed on record.
2. In any event, a copy of the same has been handed over today in Court, which, is also taken on record.
3. The petitioners vide the present petition under Section 482 of the Code of Criminal Procedure, 1973 seek quashing of FIR No. 68/2013 dated 08.05.2013 registered under Sections 498A/406/34 IPC at P.S



CWC/ Nanakpura, New Delhi and all proceeding emanating therefrom in view of the amended Memorandum of Understanding dated 01.07.2023 arrived at between the parties.

4. This petition is supported by affidavits of all the petitioners and of respondent no.2, alongwith proofs of their respective I.Ds.

5. Petitioner nos. 1 and 2 as also respondent no.2 are present in Court and have been identified by the IO. Their credentials have been verified by this Court.

6. Issue Notice.

7. Learned APP for the State accepts notice. He confirms that he has no objection to the quashing of the FIR.

8. Learned counsel for the respondent no.2 also accepts notice. Respondent no.2 confirms that the petitioner no.1 and respondent no.2 have been granted divorce vide Decree of Divorce dated 06.8.2012 passed by the Watford County Court, UK. She further affirms the Memorandum of Understanding dated 01.07.2023 whereby the petitioner no.1 has already paid her a sum of Rs.34,00,000/- and the remaining amount of Rs.11,00,000/- has been handed over to the respondent no. 2 vide DD no. 196047 dated 20.02.2024 issued on IndusInd Bank in full and final settlement of all her claims including alimony, maintenance (present, past and future), stridhan etc. She states that she has no objection to the quashing of the present FIR.

9. In view of the settlement arrived at between the parties and following the law laid down by the Hon'ble Supreme Court in ***Jitendra Raghuvanshi & Ors. Vs. Babita Raguvanshi & Anr*** (2013) 4 SCC 58, ***Gian Singh vs. State of Punjab & Anr.*** (2012) 10 SCC 303 and ***Narinder***



Singh & Ors. vs. State of Punjab & Anr. (2014) 6 SCC 466, this Court is of the opinion that continuation of the aforesaid FIR will be an exercise in futility.

10. Accordingly, the petition is allowed and FIR No. 68/2013 dated 08.05.2013 registered under Sections 498A/406/34 IPC at P.S CWC/ Nanakpura, New Delhi and all proceeding emanating therefrom are quashed subject to cost of Rs. 5,000/- to be deposited by the petitioner no.1 with the Prime Minister's National Relief Fund [Account No. 1226769846 and IFSC CodeCBIN0280318] within a week from today as well as the additional cost of Rs. 5,000/- to be deposited by as the petitioner no.2 with the Delhi Police Welfare Society Fund [Account No.18200100001081 and IFSC Code-UCBA0001820] within a week from today.

11. Acknowledgement slip in respect of payment of costs be supplied to the Investigating Officer within a period of two days thereafter.

12. Needless to state that the settlement arrived at between the parties resulting in closure of all criminal proceedings *inter se* the parties by way of the present order will, in no way, effect the rights of the child of the petitioner no.1 and the respondent no.2 namely Master Ronit Kuthiala vis-a-vis his parents, as may be available under law, in any matter whatsoever.

13. The petition stands disposed of.

SAURABH BANERJEE, J

APRIL 22, 2024/rr