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

+ **CRL.M.C. 2258/2024**

SH KRISHNA & ANR.

.....Petitioners

Through: Mr. S. H. Ansari and Mr. M.G.
Salaluddin, Advocates.

versus

STATE GOVT OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Manoj Pant, APP for the State.
SI Praveen Kumar P.S. Nangloi and
SI Paramjeet, P.S. Ranhola.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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16.07.2024

Crl. M.C. 2258/2024

By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973 the petitioners, who are the former husband and mother-in-law of respondent No.2, seek quashing of case FIR No.559/2014 dated 27.07.2014 registered under sections 354/509/109 of the Indian Penal Code, 1860 ('IPC') at P.S.: Ranhola, West Delhi. Consequent upon completion of investigation, charge-sheet dated 19.05.2017 was filed under sections 498-A/406/506/34 of IPC.



2. Mr. Manoj Pant, learned APP appearing for the State clarifies that though initially the FIR was lodged under sections 354/509/109 of the I.P.C., however consequently, the offences were modified to sections 498-A/406/506/34 of the IPC.
3. The petition is premised on a mediated settlement dated 19.10.2022 arrived at through mediation before the Delhi Mediation Centre, Tis Hazari Courts, Delhi; and a divorce decree dated 30.10.2023, 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.
4. No appeal is stated to have been filed from the divorce decree.
5. The petition is also supported by affidavits of the petitioners, as also of respondent No.2, alongwith proofs of their I.D.s.
6. In compliance of last order dated 19.03.2024, petitioner No.1 has been produced from judicial custody, where he is presently lodged in case FIR No.970/2021 registered under sections 363/376/341 of the IPC and section 6 of the Protection of Children from Sexual Offences Act, 2012 at P.S.: Mundka.
7. Petitioner No.2 as well as respondent No. 2 are present in court. Their credentials have been verified. Respondent No.2 has also been identified by the Investigating Officer S.I. Praveen, presently posted at P.S.: Nangloi.
8. The court has queried respondent No.2, who confirms that she has taken divorce by mutual consent; and that a mediated settlement has been entered into between the parties, in full-and-final settlement of all her claims, including towards maintenance (past, present and



future), *stridhan*, dowry articles, jewellery, permanent alimony, etc. and that all aspects of the settlement have been performed.

9. Mr. Utkarsh, learned APP confirms that the State has no objection to the subject FIR being quashed.
10. 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.
11. Accordingly, FIR No. 559/2014 dated 27.07.2014 registered at P.S.:Ranhola, West Delhi is quashed. All proceedings arising therefrom also stand closed.
12. Though the mediated settlement between the parties records that the custody of the 02 children, namely Rahul (now aged about 15 years) and Rohan (now aged about 12 years), shall remain with respondent No.2; and that Respondent No.2 would take care of both children; and that petitioner No.1 shall not claim custody or visitation rights in respect of the minor children, it is clarified that this agreement between the parties would not prevent the children from deciding their engagement with their parents, once they attain majority.
13. 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 children, namely Rahul and Rohan ,*vis-à-vis* their father, as may be available under law, in any manner whatsoever.

14. Petition stands disposed-of.
15. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

JULY 16, 2024

V.Rawat