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

+ **CRL.M.C. 5276/2024**

VIJAY SHANKAR JHA & ORS.

.....Petitioners

Through: Mr. Sanjeev Manchanda, Advocate
with petitioners in-person.

versus

STATE NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Utkarsh, APP for the State with
Mr. Sachin Khari, Ms. Sarika Khari,
Advocates and SI Mahendra Patel,
P.S.: Narela.
Mr. Devender Dhar Dubey, Advocate
for R2 with R2 in-person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **12.07.2024**

CRL.M.A. 20160/2024

Exemption allowed, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CRL.M.C. 5276/2024

By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973, the petitioners, who are the former husband, in-laws (of the complainant/respondent No.2) and the mediator (who was attempting to settle the disputes between the parties), seek quashing of case FIR No. 0276/2022 dated 22.06.2022 registered under sections 498-A/406/34 of the Indian Penal Code 1860 ('IPC'), at P.S.: Narela ('subject FIR').



2. The petition is premised on Settlement Deed dated 12.09.2023 arrived at through mediation before the Mediation Centre, Rohini District Courts, Delhi; and Divorce Decree dated 13.03.2024, 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 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.
5. The parties have confirmed that no child was born from the wedlock.
6. No appeal is stated to have been filed from the divorce decree.
7. The court has interacted with 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 (present, past and future), *stridhan*, dowry articles, jewellery, permanent alimony, etc., she was to receive a sum of Rs. 9,50,000/- from petitioner No.1; out of which Rs. 6,40,000/- was paid earlier and Rs. 3,10,000/- has been paid in court today, in compliance of the terms of the settlement deed. Respondent No.2 confirms that all aspects of the settlement have now been performed.
8. Mr. Utkarsh, learned APP appears on behalf of the State and submits 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.*¹ as also in *Narinder Singh & Ors. vs. State of Punjab & Anr.*², 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. 0276/2022 dated 22.06.2022 registered under sections 498-A/406/34 IPC, at P.S.: Narela is quashed. All proceedings arising therefrom also stand closed.
11. Petition stands disposed-of.
12. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

JULY 12, 2024

ds

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466