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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5366/2024**

SH. HARISH MAHESHWARI & ANR.Petitioners
Through: Mr. Sunil Dutt, Advocate.

versus

THE STATE NCT OF DELHI AND ANRRespondents
Through: Mr. Manoj Pant, APP for the State
with SI Radha Kanwar, P.S.: Maurya
Enclave.
Mr. Sunil Dutt Dixit and Mr.
Shashwat Dutt Dixit, Advocates for
R-2.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

% **ORDER**
16.07.2024

CRL.M.A. 20512/2024 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

CRL.M.C. 5366/2024

By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioners, who are the former husband and mother-in-law of the complainant/respondent No.2, seek quashing of case FIR No.117/2019 dated 15.04.2019 registered under sections 498A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Maurya Enclave, New Delhi. Consequent upon



completion of investigation, charge-sheet dated 31.03.2022 was filed in the case under sections 498-A/406/34/509 IPC.

2. Though the present petition has been filed under the provisions of the Cr.P.C., in the opinion of this court, on a plain reading of section 531(2)(a) of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), proceedings are to be "... *disposed of, continued, held or made...* ..." in accordance with the Cr.P.C. *only* in cases where *such proceedings, viz.* "... *any appeal, application, trial, inquiry or investigation...* ...", was *pending* immediately before the date on which the BNSS came into force, *i.e.* 01.07.2024.
3. Since the present petition has been filed after 01.07.2024, in the opinion of this court, the present petition ought to have been filed under the BNSS. Be that as it may, in order to obviate any unnecessary delay, the present petition is treated as one under section 528 of the BNSS.
4. The petition is premised on Settlement/Agreement dated 06.09.2023 arrived at through mediation before the Delhi Mediation Centre, Rohini District Courts, Delhi; and divorce decree dated 10.01.2024, 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.
5. No appeal is stated to have been filed from the divorce decree.
6. The petition is also supported by affidavits of the petitioners, as well as of respondent No. 2, alongwith proofs of their I.D.s.



7. 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.
8. The parties have confirmed that no child was born from the wed-lock.
9. The court has queried respondent No. 2 Ms. Ruby Gupta, who confirms that she has taken divorce by mutual consent; and that Settlement/Agreement dated 06.09.2023 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.2,00,000/- from petitioner No.1; out of which Rs.1,50,000/- was paid earlier and Rs.50,000/- has been paid in court today, in compliance of the terms of the Settlement/Agreement. Respondent No.2 confirms that all aspects of the settlement have now been performed.
10. Mr. Manoj Pant, learned APP confirms that the State has no objection to the subject FIR being quashed.
11. 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.



12. Accordingly, FIR No.117/2019 dated 15.04.2019 registered at P.S.:Maurya Enclave, New Delhi is quashed. All proceedings arising therefrom also stand closed.
13. Petition stands disposed-of.
14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

JULY 16, 2024/ak