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

+ **CRL.M.C. 5448/2024**

**AJAY KUMAR PREMCHANDANI & ORS. ....Petitioners**

Through: Mr. Ajay Khatana, Ms. Nidhi Mutreja, Mr. Rahul Choudhary, Mr. Jatinder Sharma and Mr. Jitin Kumar, Advocates.

versus

**STATE & ANR. ....Respondents**

Through: Ms. Shubhi Gupta, APP for the State with SI Shivali, P.S.: Keshav Puram. Mr. Jeewan Chandra, Mr. Arun Kumar K., Mr. Angad Gulai and Mr. Ravindra Nanda, Advocates for R-2 with R-2 in-person.

**CORAM:  
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

% **ORDER  
10.09.2024**

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 former brother-in-laws of the complainant/respondent No. 2, seek quashing of case FIR No. 0651/2020 dated 18.12.2020 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Keshav Puram, Delhi ('subject FIR').

2. Though the present petition has been filed under the provisions of the Code of Criminal Procedure 1973 ('Cr.P.C.'), in the opinion of this



court, on a plain but meaningful 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*", were already ***pending*** immediately before the date on which the BNSS came into force, i.e. 01.07.2024. It appears therefore, that while inserting the repeal and savings provision in section 531 of the BNSS, the intention of Parliament was to not disrupt on-going proceedings; and to therefore not change the governing law during the pendency of such proceedings.

3. Since the present petition is a fresh proceeding and 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. It may be observed however, that any objection that may be raised in the above regard, is kept open to be decided subsequently.
5. The petition is premised on Settlement Deed dated 29.10.2022 ('Settlement Deed') arrived at through counselling before the Counselling Cell, Family Courts, Rohini District Courts, New Delhi; and Divorce Decree dated 10.10.2023, 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.



6. The petition is also supported by affidavits of the petitioners as also 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 the Investigating Officer and their respective counsel.
8. The parties have confirmed that no child was born from the wed-lock.
9. No appeal is stated to have been filed from the divorce decree.
10. The court has queried respondent No. 2, who confirms that she has taken divorce by mutual consent; and that a settlement deed has been entered into between petitioner No.1 and respondent No.2; 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. Rs.8,75,000/- from petitioner No. 1; out of which Rs. 6,00,000/- was paid earlier and Rs. 2,75,000/- 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.
11. Ms. Shubhi Gupta, learned APP confirms that the State has no objection to the subject FIR being quashed.
12. 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.

13. Accordingly, FIR No. 0651/2020 dated 18.12.2020 registered under sections 498-A/406/34 IPC at P.S.: Keshav Puram, Delhi is quashed. All proceedings arising therefrom also stand closed.
14. Petition stands disposed-of.
15. Pending applications, if any, also stand disposed-of.

**ANUP JAIRAM BHAMBHANI, J**

**SEPTEMBER 10, 2024/ak**