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

+ CRL.M.C. 5489/2024

DEEPAK & ORS.

.....Petitioners

Through: Mr. R. K. Sharma with Mr. Abhishek Sharma, Mr. Rajinder Singh and Mr. Sujoy Gaur, Advocates with petitioners in-person.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Utkarsh, APP for the State with Ms. Garima Khetal, Mr. Abhinav Sharma, Mr. Vijay Kumar and Mr. Nikhil Tyagi, Advocates.
Mr. Vipul K. Upadhyay, Advocate for R2 with R2 in-person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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22.07.2024

CRL.M.A. 20982/2024

Exemption allowed, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CRL.M.C.5489/2024

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 in-laws of the complainant/respondent No. 2, seek quashing of case FIR No. 140/2021 dated 31.03.2021 registered under sections 406/498-A /34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Alipur, Delhi.



2. The petition is premised on Settlement Deed dated 22.11.2023 arrived at through mediation before the Delhi Mediation Centre, Rohini District Courts, Delhi; and Divorce Decree dated 12.03.2024, 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. Petitioners Nos.1 and 2, namely the husband and father-in-law 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. Petitioner No. 3, the mother-in-law, is stated to have suffered a fracture and petitioners Nos. 4, 5, 6 and 7 who are members of the extended family, are not available to be present in court, for the various reasons that have been explained to the court.
6. The parties have confirmed that no child was born from the wed-lock.
7. No appeal is stated to have been filed from the divorce decree.
8. The court has queried Ms. Lalita, 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 (past, present and future), *stridhan*, dowry articles, jewellery, permanent alimony, etc., she was to receive a sum of Rs. 8,50,000 /- (Rupees Eight Lac Fifty Thousand Only) from petitioner No. 1; out of which Rs. 6,50,000 /- was paid earlier and Rs. 2,00,000/- (Rupees Two Lacs Only) 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.

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. 140/2021 dated 31.03.2021 registered under sections 406/498-A /34 IPC at P.S.: Alipur, Delhi is quashed. All proceedings arising therefrom also stand closed.
12. Petition stands disposed-of.
13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

JULY 22, 2024

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