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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 5491/2024
SH ASHISH SHARMA & ORS.Petitioners
Through: Counsel (appearance not given) with
petitioners in-person.
versus
STATE THROUGH SHO PS UTTAM NAGAR & ANR.
.....Respondents
Through: Mr. Manoj Pant, APP for the State
with Mr. Prakash Chander, Ms. Sudha
Mishra, Ms. Anita Sharma and Mr.
Atul Kumar Singh, Advocates.
SI Jitender Kr., P.S.: Uttam Nagar.
R2 in-person.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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22.07.2024

CRL.M.A. 20986/2024

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CRL.M.C. 5491/2024

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. 126/2020 dated 20.02.2020 registered under sections 498-A/406 of the Indian Penal Code ('IPC'), at P.S.: Uttam Nagar, Delhi. Consequent upon completion of investigation, section 34 IPC was also added to chargesheet dated 31.01.2022.



2. The petition is premised on Settlement Deed dated 25.01.2023 arrived at through mediation before the Mediation Centre, Dwarka Courts, New Delhi.
3. A copy of Divorce Decree dated 05.08.2023 evidencing that petitioner No. 1 and respondent No. 2 have obtained divorce by mutual consent in culmination of proceedings under sections 13B(1) and 13B(2) of the Hindu Marriage Act 1955, has been handed-up in court. Let the decree-sheet be taken on record.
4. The petition is also supported by affidavits of the petitioners, as also of respondent No. 2, alongwith proofs of their I.D.s.
5. 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.
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. Rimpay Kapoor, 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. Rs. 8,00,000/- from petitioner No. 1; out of which Rs. 6,00,000/- was paid earlier and Rs. 2,00,000/- 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.



9. Respondent No.2 submits that she has subsequently got remarried in April 2024 and does not wish to pursue any further proceedings arising from the subject FIR.
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. 0126/2020 dated 20.02.2020 registered under sections 498-A/406 IPC at P.S.: Uttam Nagar, 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 22, 2024

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