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

+ **CRL.M.C. 5547/2024**

**ROHIT KISHORE**

.....Petitioner

Through: **Mr. Amandeep Singh, Advocate.**

versus

**STATE OF NCT OF DELHI AND ANR.**

.....Respondents

Through: **Mr. Utkarsh, APP for the State with  
Ms. Garima Khetal, Mr. Abhinav  
Sharma, Mr. Vijay Kumar and Mr.  
Nikhil Tyagi, Advocates.  
SI Preet Dabas, P.S. Mangolpuri.**

**CORAM:**

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

**ORDER**

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**22.07.2024**

**CRL.M.A. 21164/2024 (exemption)**

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

**Crl. M.C.5547/2024**

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner, who is the former husband of the complainant/respondent No. 2, seeks quashing of case FIR No. 775/2013 dated 06.12.2013 registered under sections 498-A/406 of the Indian Penal Code, 1860 ('IPC') at P.S.: Mangol Puri, Delhi.

2. The petition is premised on Settlement Deed dated 03.02.2024 arrived at through mediation before the Counselling Cell, Family Courts,



North-West, Rohini, Delhi; and Divorce Decree dated 06.05.2024, 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 petitioner, as also of respondent No. 2, alongwith proofs of their I.D.s.
4. The petitioner 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 wed-lock.
6. No appeal is stated to have been filed from the divorce decree.
7. Mr. Utkarsh, learned APP for the State points-out that though there were 03 accused persons in the case, only the husband has filed the present petition.
8. Mr. Amandeep Singh, learned counsel appearing for the petitioner explains, that one of the co-accused, who was the mother of the petitioner, viz. Ms. Sureshani Devi, has since passed-away on 24.09.2023; and the whereabouts of the other co-accused, who is the petitioner's brother, viz. Mr. Pawan Kishor, are not available with the petitioner.
9. The court has queried Ms. Shashi Rani/respondent No. 2, who confirms that she has taken divorce from the petitioner 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.17,50,000/- from the petitioner; out of which Rs. 15,00,000/- was paid earlier and Rs. 2,50,000/- 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.

10. Mr. Utkarsh, 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. 775/2013 dated 06.12.2013 at P.S.: Mangol Puri, 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/V.Rawat**