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

+ **CRL.M.C. 5645/2024**

BHARAT ASHIWAL & ORS.

.....Petitioners

Through: Mr. Vishesh Wadhwa and Ms.
Swadha Gupta, Advocates.

versus

STATE OF GNCT OF DELHI & ANR.

.....Respondents

Through: Mr. Utkarsh, APP for the State with
SI Chinki Yadav, P.S.: Bharat Nagar.
ASI Pushpender.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

26.09.2024

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By way of the present petition filed under section 528 of Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners seek quashing of case FIR No. 367/2016 dated 31.07.2016 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Bharat Nagar, Delhi.

2. The petition is premised on Memorandum of Understanding/ Compromise Deed dated 15.07.2024.
3. The petition is also supported by affidavits of the petitioners, as also of respondent No. 2, alongwith proof of their I.D.s.
4. The petitioners as well as respondent No. 2 have joined *via* video-



conferencing. Their credentials have been verified and they have also been identified by their respective counsel.

5. The parties are stated to have resolved all their disputes amicably and in view of the settlement, respondent No.2 is stated to have re-joined the company of petitioner No. 1 since November, 2019 and they have been living together ever-since, alongwith their children.
6. The court has queried respondent No. 2, Ms. Rekha, who confirms that a settlement deed has been entered into between the parties; and that she was to receive Rs. 2,00,000/- in compliance of the terms of the Memorandum of Understanding/Compromise Deed dated 15.07.2024, which amount has been paid to her; and that she is now living with petitioner No. 1 and their children.
7. Mr. Utkarsh, learned APP confirms that the State has no objection to the subject FIR being quashed.
8. 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.
9. Accordingly, FIR No. 367/2016 dated 31.07.2016 registered under sections 498-A/406/34 IPC at P.S.: Bharat Nagar, Delhi is quashed. All proceedings arising therefrom also stand closed.



10. Petition stands disposed-of.
11. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 26, 2024

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