



\$~68

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

+ CRL.M.C. 5674/2024

JITENDER KUMAR & ORS.

.....Petitioners

Through: Mr. Manu Sishodia and Ms. Hina Rajput, Advocates with petitioners in-person.

versus

THE STATE NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Shubhi Gupta, APP for State with SI Narender, P.S.: Vikaspuri.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **25.07.2024**

CRL.M.A. 21669/2024 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CRL.M.C. 5674/2024

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 his family members seek quashing of case FIR No. 777/2020 dated 05.12.2020 registered under sections 498-A/406/34 of the Indian Penal Code 1860 at P.S.: Vikaspuri.

2. The petition is premised on Memorandum of Understanding/Compromise Deed dated 08.04.2024 ('Settlement Deed'); and Divorce Decree dated 31.05.2024, 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 both the petitioners as also of respondent No. 2, alongwith proofs of their I.D.s.
4. The petitioners as also respondent No. 2 are present in court. Their credentials have been verified and they have also been identified by their respective counsel.
5. No appeal is stated to have been filed from the divorce decree.
6. The court has queried Ms. Harshita, 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 (present, past and future), *stridhan*, dowry articles, jewellery, permanent alimony, etc., she was to receive a sum of Rs. 16,50,000/- from petitioner No. 1; out of which Rs.10,00,000 /- was paid earlier and Rs. 6,50,000/- /- 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.
7. Ms. Shubhi Gupta, 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.777/2020 dated 05.12.2020 at P.S.: Vikaspuri is quashed. All proceedings arising therefrom also stand closed.
10. The parties have one son, who was born in 2006 and is going to turn 18 years old soon. Though as per the agreement between the parties, the custody of the son is to remain with petitioner No.1 with certain visitation rights with respondent No.2, it is clarified that upon attaining majority, the son will be entitled to interact and engage with his parents as he may decide.
11. Needless to add that the settlement between the parties leading to the closure of all criminal proceedings by way of the present order will in no way affect the rights of the minor child Monish *vis-à-vis* his father, as may be available under law, in any manner whatsoever.
12. Petition stands disposed-of.
13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

JULY 25, 2024/ak