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

+ CRL.M.C. 5692/2024

RAHUL KUMAR & ORS.

.....Petitioners

Through: Mr. Durgesh Pandey and Ms.
Surabhi Kukreti, Advocates.

versus

**STATE (GOVT OF NCT OF DELHI) THROUGH SHO P.S
MOHAN GARDEN & ANR.**

.....Respondents

Through: Ms. Shubhi Gupta, APP for the State
with SI Lal Bahadur and SI Pratap
Singh.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

02.09.2024

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By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners, who are the former husband and in-laws of the complainant/respondent No. 2, seek quashing of case FIR No. 362/2021 dated 27.07.2021 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Mohan Garden, Delhi.

2. The petition is premised on a Mediated Settlement dated 23.03.2024 arrived at through mediation under the aegis of the Mediation Centre, Dwarka Courts, New Delhi; and Divorce Decree dated 09.07.2024, 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 proof of their I.D.s.
4. 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.
5. No appeal is stated to have been filed from the divorce decree.
6. The court has queried respondent No. 2, who confirms that she has taken divorce by mutual consent; and that a settlement 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. 2,62,500/- from petitioner No. 1; out of which Rs. 1,75,000/- was paid earlier and Rs. 87,500/- 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. However, pursuant to what was recorded in last order dated 26.07.2024, the parties have re-considered the aspect of visitation rights in relation to their minor child. As a consequence of such re-consideration, by consent and concurrence of the parties, it is recorded, that contrary to what was earlier agreed-upon in mediated settlement dated 23.03.2024, though the custody of the minor child, Lavkit, shall remain with petitioner No.1, respondent No.2 shall have visitation rights to the minor child on every 02nd and 03rd Sunday of every month from 09:00 a.m. to 06:00 p.m., on which days petitioner No.1 (or any other person authorised by him) shall drop the child to where respondent No.2 resides at about 9 a.m. and pick him up from the same place at about 6 p.m., till the child attains majority or is otherwise able to take his own decisions.
10. 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 property rights and other rights of the minor child *vis-a-vis* his parents, as may be available under law, in any manner whatsoever.
11. Respondent No.2 is granted liberty to file an appropriate application in the present proceedings if there is any non-compliance of the above directions on part of the petitioners.
12. Accordingly, FIR No. 362/2021 dated 27.07.2021 registered under sections 498-A/406/34 IPC at P.S.: Mohan Garden, Delhi, is quashed. All proceedings arising therefrom also stand closed.



13. Petition stands disposed-of, in the above terms.
14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 2, 2024

V.Rawat