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

+ **W.P.(CRL) 2274/2024**

**SH AMIT VADAN & ORS.**

.....Petitioners

Through: Mr. Kamal Sharma, Advocate for  
petitioners Nos. 1 to 6.

versus

**STATE NCT OF DELHI THROUGH ITS STANDING COUNSEL  
& ANR.**

.....Respondents

Through: Mr. Anand V. Khatri, ASC for State.  
SI Akash Kumar, P.S. Bhajanpura.  
Ms. Prabha, Advocate for R2.

**CORAM:**

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

**ORDER**

**30.07.2024**

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**W.P.(CRL) 2274/2024**

By way of the present petition filed under article 226/227 of the Constitution of India read with section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioners, who are the former husband and in-laws of the complainant/respondent No. 2 seek quashing of case FIR No. 0345/2021 dated 31.07.2021 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') and sections 3/4 of the Dowry Prohibition Act, 1961 at P.S.: Bhajan Pura, North East Delhi.

2. Though the present petition has been filed under the provisions of the Code of Criminal Procedure 1973 ('Cr.P.C.'), in the opinion of this court, on a plain reading of section 531(2)(a) of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), proceedings are to be "...  
...disposed of, continued, held or made... ..." in accordance with the Cr.P.C. only in cases where ***such proceedings***, viz. "... ...any appeal,



*application, trial, inquiry or investigation... ..*”, were already ***pending*** immediately before the date on which the BNSS came into force, *i.e.* 01.07.2024. It appears therefore, that while inserting the repeal and savings provision in section 531 of the BNSS, the intention of Parliament was to not disrupt on-going proceedings by changing the governing law during the pendency of such proceedings.

3. Since the present petition has been *filed after 01.07.2024*, in the opinion of this court, the present petition ought to have been filed under the BNSS. Be that as it may, in order to obviate any unnecessary delay, the present petition is treated as one under section 528 of the BNSS.
4. The petition is premised on Memorandum of Understanding/Compromise Deed dated 27.05.2023 arrived at between petitioner No. 1 and respondent No. 2 and Divorce Decree dated 26.07.2023, 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.
5. The petition is also supported by affidavits of both the petitioners as also of respondent No. 2, alongwith proofs of their I.D.s.
6. 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.
7. The parties have confirmed that no child was born from the wed-lock.
8. No appeal is stated to have been filed from the divorce decree.
9. The court has queried Ms. Ekta, 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 has received the entire amount in the sum of Rs. 9,50,000/- from petitioner No. 1, 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. Anand V. Khatri, learned ASC 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. 0345/2021 dated 31.07.2021 at P.S.: Bhajan Pura 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 30, 2024**

V.Rawat