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

+ CRL.M.C. 5864/2024

NARESH KUMAR & ORS.

.....Petitioners

Through: Mr. Abhishek Kumar, Mr. N. R. Swetabh, Mr. Sachin Mavi, Mr. Narender Singh, Ms. Riya Gupta and Mr. Rahul Ambast, Advocates along with Petitioners in person.

versus

STATE GOVT OF NCT OF DELHI & ANR.Respondents

Through: Mr. Utkarsh, APP for the State with Mr. Sunil Kumar, Mr. Vikas Pathak, Ms. Anjali Verma, Mr. Ankit Chauhan, Mr. Kapil Rathore, Ms. Sana, Mr. A. Srivastava, Advocates. SI Sharmica, P.S. Lodhi Colony. Mr. Narendra Kumar Sharma, Ms. Amita Chaudhary, Mr. Ashwin Bhargav, Mr. Lavi Nanden Mittal and Ms. Prachi Bachpai, Advocates.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

31.07.2024

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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 husband and the in-laws of the complainant/respondent No. 2 seek quashing of case FIR No. 255/2021 dated 03.06.2021 registered under sections 498-A /406/34 of the Indian Penal Code, 1860 at P.S.: Kotla Mubarakpur.

2. The petition is premised on Settlement Deed dated 04.05.2024 arrived at through mediation before the Mediation Centre, Saket 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 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. 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. The court has queried Ms. Kiran Kumari Bharti , respondent No. 2, who confirms that she has taken divorce by mutual consent; and that a settlement deed dated 04.05.2024 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. 10,00,000/- from petitioner No. 1; out of which Rs. 7,50,000/- was paid earlier and Rs. 2,50,000/- has been paid in court today, in compliance of the terms of the settlement deed dated 04.05.2024. Respondent No. 2 confirms that all aspects of the settlement have now been performed.
8. Mr. Utkarsh, learned APP confirms that the State has no objection to the subject FIR being quashed.
9. 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.

10. Accordingly, FIR No. 255/2021 dated 03.06.2021 registered under sections 498-A /406/34 of IPC at P.S.: Kotla Mubarakpur is quashed. All proceedings arising therefrom also stand closed.
11. Petition stands disposed-of.
12. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

JULY 31, 2024/MR