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

+ **CRL.M.C. 5909/2024**

TARANJEET SINGH

.....Petitioner

Through: Mr. Gurbachan Singh, Advocate
alongwith petitioner.

versus

THE STATE GOVT OF NCT OF DELHI AND ANR.....Respondents

Through: Mr. Utkarsh, APP for the State with
Mr. Akash Goswami, Mr. Ankit
Kumar Singh, Mr. Manish Sharma,
Mr. Sandeep Singh, Mr. Abhishek
Jakhar, Ms. Astha Modi, Mr.
Vasuchit Anand, Mr. Shashank Harit
and Mr. Kushak Khari, Advocates.
SI Raghubir Prasad, P.S. Khyala.
Ms. Ravinder Kaur and Ms. Manpreet
Kaur, Advocate for respondent No.2.
Respondent No.2 is present in person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **01.08.2024**

CRL.M.A. 22595/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 5909/2024

By way of the present joint petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner, who is the former husband of the complainant/respondent No.2 seeks quashing of case FIR No.436/2019 dated 23.12.2019 registered under



sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Khyala, District West, Delhi.

2. The petition is premised on a Settlement Agreement signed by the parties on 19.02.2024 arrived at through counselling before the Counselling Cell, Family Court, West District, Tis Hazari, Delhi; and a Divorce Decree dated 14.05.2024, 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. No appeal is stated to have been filed from the divorce decree.
3. The petition is also supported by affidavits of the petitioner and of respondent No.2, alongwith proofs of their I.D.s.
4. The petitioner 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. The court has queried respondent No. 2, who confirms that she has taken divorce by mutual consent; and that a settlement agreement 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.26,00,000/- from petitioner; out of which Rs.20,00,000/- was paid earlier and Rs.6,00,000/- has been paid in court today, in compliance of the terms of the settlement agreement. Respondent No. 2 confirms that all aspects of the settlement have now been performed.
6. Issue notice.



7. Mr. Utkarsh, learned APP appears for the State on advance copy; accepts notice; and 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.436/2019 dated 23.12.2019 registered under sections 498-A/406/34 of IPC at P.S.: Khyala, District West, Delhi is quashed. All proceedings arising therefrom also stand closed.
10. That being said however, since the parties have two children, a daughter Ms. Harleen Kaur (major) and a son Master Gurleen Singh (aged about 17 years); and though as per the settlement agreement signed between the parties, the custody of the son is to remain with respondent No.2 with certain limited visitation rights with petitioner No.1, 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 that the children may have in relation to the



properties and estate of their father, as may be available to them in accordance with law.

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

ANUP JAIRAM BHAMBHANI, J

AUGUST 1, 2024
V.Rawat