



\$~68

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

+ **CRL.M.C. 6014/2024**

SUSHIL SHARMA & ORS.

.....Petitioners

Through: Mr. Naveen Sharma, Advocate with
petitioner No.1 in person and P2 to P5
in person *via* video-conferencing.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Manoj Pant, APP for the State
with Mr. Shardul Singh, Mr. Achint
Kumar, Mr. Kaushikesh Kumar, Mr.
S. Borkataky, Ms. Ruchika Rathi and
Mr. Sujeet Kumar Singh, Advocates.
SI Vijay Pal Singh, P.S. CWC Nanak
Pura.
Mr. Rajesh Pandey and Ms. Harshita
C., Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **05.08.2024**

CRL.M.A. 22918/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 6014/2024

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 in-laws of the complainant/respondent No. 2 seek quashing of case FIR No. 0069/2018 dated 06.09.2018 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 at P.S.: Crime (Women) Cell Nanak Pura, Special Police Unit for Women & Children.



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... ..*", was *pending* immediately before the date on which the BNSS came into force, *i.e.* 01.07.2024.
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 Settlement Agreement dated 02.12.2023 arrived at through mediation before the Delhi Mediation Centre, Patiala House Court, New Delhi; and Divorce Decree dated 26.04.2024, 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.
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. Petitioner No.1 as also respondent No.2 are present in court. Petitioners Nos. 2 to 5 have appeared *via* video-conferencing. 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. Rajni, 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 (past, present and future), *stridhan*, dowry articles, jewellery, permanent alimony, etc., she was to receive a sum of Rs. 7,70,000/- from petitioner No. 1; out of which Rs. 6,00,000/- was received earlier and Rs. 1,70,000/- has been paid to her 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.
10. Mr. Manoj Pant, learned APP 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. 0069/2018 dated 06.09.2018 at P.S.: Crime (Women) Cell Nanak 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

AUGUST 5, 2024

V.Rawat