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

+ CRL.M.C. 6037/2024 and CRL.M.A. 23039/2024 (for stay)

SANDEEP KUMAR & ORS. ....Petitioners

Through: Mr. S. K. Atri, Advocate with  
petitioners in-person.

versus

STATE (GOVT OF NCT ) THROUGH SHO PALAM VILLAGE &  
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.  
Mr. Jaswinder, Advocate for R2.

**CORAM:**

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

**ORDER**

**05.08.2024**

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By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), the petitioners, who are the former husband and in-laws of the complainant/respondent No. 2, seek quashing of case FIR No. 0418/2023 dated 09.07.2023 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Palam Village, Delhi ('subject FIR').

2. The petition is premised on Settlement Deed dated 09.12.2023 arrived at through mediation before the Mediation Centre, Dwarka Courts, New Delhi.



3. Though the divorce decree had not been placed on record, a certified copy has been handed-up in court which shows that *vide* decree dated 30.04.2024 passed by the learned Family Court, South West District, Dwarka, Delhi, the marriage between petitioner No.1 and respondent No.2 has been dissolved by mutual consent in proceedings under sections 13B(1) and 13B(2) of the Hindu Marriage Act 1955. Divorce Decree dated 30.04.2024 is taken on record.
4. No appeal is stated to have been filed from the divorce decree.
5. The petition is also supported by affidavits of the petitioners, as also of respondent No. 2, alongwith proofs of their I.D.s.
6. 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.
7. The court has queried 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. 5,00,000/- from petitioner No. 1; out of which Rs. 3,50,000/- was paid earlier and Rs. 1,50,000/- 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.
8. The parties have confirmed that no child was born from the wed-lock.
9. Mr. Manoj Pant, learned APP appearing on behalf of the State confirms that the State has no objection to the subject FIR being quashed.



10. 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.
11. Accordingly, FIR No. 0418/2023 dated 09.07.2023 registered under sections 498-A/406/34 IPC at P.S.: Palam Village, Delhi is quashed. All proceedings arising therefrom also stand closed.
12. Petition stands disposed-of.
13. Pending applications, if any, also stand disposed-of.

**ANUP JAIRAM BHAMBHANI, J**

**AUGUST 5, 2024**  
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