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

+ **W.P.(CRL) 2388/2024**

**SHIV KUMAR & ORS.**

.....Petitioners

Through: Mr. (counsel appearance not given).

versus

**STATE (GOVT, OF NCT OF DELHI) & ANR.** .....Respondents

Through: Mr. Amol Sinha, ASC for the State.  
SI Aarti, P.S. Kapashera, Delhi.

**CORAM:**

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

**ORDER**

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**07.08.2024**

**CRL.M.A. 23342/2024 (exemption)**

Exemption granted, subject to just exceptions.

The application stands disposed-of.

**W.P. (CRL) 2388/2024**

By way of the present petition filed under Article 226 of the Constitution of India read with 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. 342/2021 dated 31.08.2021 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Kapashera, South West Delhi.

2. The petition is premised on Settlement Deed dated 19.10.2023 arrived at through mediation before the Mediation Centre, Dwarka Courts, New Delhi; and Divorce Decree dated 22.02.2024, 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 both, the petitioners as also of respondent No. 2, alongwith proofs of their I.D.s.
4. 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.
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. Jyoti , 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 was to receive a sum of Rs. 12,00,000/- from petitioner No. 1; out of which Rs. 8,00,000/- was paid earlier and Rs. 4,00,000/- 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. Mr. Amol Sinha, learned ASC 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. 342/2021 dated 31.08.2021 registered under sections 498-A/406/34 of the IPC at P.S.: Kapashera, South West Delhi. 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**

**AUGUST 7, 2024**

*V.Rawat*