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

+ **CRL.M.C. 6358/2024**

SUMIT KUMAR TIWARI AND OTHERSPetitioners

Through: Mr. Ashok Kumar, Mr. Kuldeep
Kumar and Ms. Pooja, Advocates.

versus

THE STATE NCT OF DELHI AND ANR.Respondents

Through: Ms. Shubhi Gupta, APP for the State
with SI Rishi Kumar, P.S. Geeta
Colony.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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16.08.2024

CRL.M.A. 24332/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 6358/2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners, who are the former husband and in-laws of the complainant/respondent No. 2, seek quashing of case FIR No. 294/2022 dated 13.05.2022 registered under sections 498-A/406/354/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Geeta Colony, Delhi.

2. The petition is premised on Mediated Settlement dated 28.08.2023 arrived at through mediation before the Delhi Mediation Centre, Karkardooma Courts, Delhi; and Divorce Decree dated 23.04.2024, 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.

3. The petition is also supported by affidavits of the petitioners as well as of respondent No. 2, alongwith proofs of their I.D.s.
4. Petitioners Nos. 1, 2 & 4 are present in court. Petitioners Nos. 3 & 5 are not present but have issued requisite authorisation letters in favour of the other petitioners. Respondent No. 2 is also present in court. Their credentials have been verified and they have also been identified by their respective counsel.
5. No appeal is stated to have been filed from the divorce decree.
6. 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. 4,00,000/- was paid earlier and Rs. 1,00,000/- 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.
7. Ms. Shubhi Gupta, learned APP 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. It is observed however, that the settlement recorded between the parties says that the custody of the minor son, viz. Kavyansh, shall remain with respondent No.2 and petitioner No.1 shall have no visitation rights in respect of his son. In this regard, it is clarified that the minor child shall be entitled to meet his father, as and when the child so desires, subject to the convenience of the parties.
10. 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 child may have in relation to the properties and estate of his father, as may be available to him, in accordance with law.
11. Subject to the above, case FIR No. 294/2022 dated 13.05.2022 registered under sections 498-A/406/354/34 IPC at P.S.: Geeta Colony, Delhi is quashed. All proceedings arising therefrom also stand closed.
12. Petition stands disposed-of, in the above terms.
13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

AUGUST 16, 2024

V.Rawat