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

\+ CRL.M.C. 6532/2024

SHE SURESH KUMAR PATHAK AND ORS .....Petitioners

Through: Mr. Rohit Singh, Mr. Prince Kumar, Mr. Vikram Singh Nayal and Mr. Naveen Kumar, Advocates for P-1 to P-3.

versus

THE STATE(GOVT. OFNCTOFDELHI) AND ANR .....Respondents

Through: Ms. Shubhi Gupta, APP for the State with SI Paramjeet, P.S.: Ranhola.
Mr. Sujit Kumar, Mr. Mohit Saini and Ms. Kanika Saini, Advocates for R-2.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

O R D E R

% **22.08.2024**

CRL.M.A. 24980/2024 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CRL.M.C. 6532/2024

By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973, the petitioners, who are the husband and in-laws of the complainant/respondent No. 2, seek quashing of case FIR No. 47/2016 dated 15.01.2016 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Ranhola, Delhi. Consequent upon completion of investigation, the offence under section 506 IPC has also been added against the petitioners *vide c*hargesheet dated 01.02.2017.

2. The petition is premised on 02 settlements, the first is a Mediated Settlement dated 31.10.2017, and the second is another Mediated Settlement dated 22.09.2023, both arrived at through mediation under the aegis of Delhi Mediation Centre, Tis Hazari Courts, Delhi. The parties are stated to have resolved their disputes amicably; and respondent No.2 confirms that she has been co-habiting with petitioner No.1 after they had reconciled on or about 14.02.2017.

3. The petition is supported by affidavits of the petitioners, as also of respondent No. 2, alongwith proofs of their I.D.s.

4. The petitioners as well as respondent No. 2 have joined *via* video-conferencing. Their credentials have been verified and they have also been identified by their respective counsel.

5. The court has interacted with the petitioners, as also with respondent No. 2, who have confirmed that they have now resolved the matter and that the aforesaid 02 mediated settlements have been signed by them closing all issues amicably. Parties now wish to live in peace and harmony going forward.

6. Ms. Shubhi Gupta, learned APP confirms that the State has no objection to the subject FIR being quashed.

7. 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 settlements 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.

8. Though the court is agreeable to quashing the subject FIR, it is noticed that the parties have let the proceedings in the matter linger for about 07 years despite the fact that they had signed their first mediated settlement on 31.10.2017.

9. Accordingly, while allowing the petition, this court considers it appropriate, that by way of atonement, petitioner No.1 and respondent No.2 shall pay costs of Rs.7,500/- each to Friendicoes SECA, No.271 & 273, Defence Colony Flyover Market, Jungpura, New Delhi within 02 weeks.

10. Subject to the aforesaid condition, case FIR No. 47/2016 dated 15.01.2016 registered under sections 498-A/406/34 IPC at P.S.: Ranhola, Delhi is quashed. All proceedings arising therefrom also stand closed.

11. Petitioner No.1 and respondent No.2 are directed to place on record the proof of payment of costs within 01 week of payment.

12. The Registry is directed to re-list the matter if costs are not paid as directed.

13. Petition stands disposed-of.

14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

AUGUST 22, 2024/ak