



\$~59

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

+ **CRL.M.C. 6556/2024**

SUHAIL & ORS.

.....Petitioners

Through: Mr. Abbas Khan and Mr. Saleem
Khan, Advocates.

Petitioners *via* video-conferencing.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Shubhi Gupta, APP for the State
with ASI Jitendra Kumar, P.S.:
Bhajan Pura.

Mr. Kaushal Sharma, Advocate for R-
2 with R-2 *via* video-conferencing.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

22.08.2024

%

CRL.M.A. 25048/2024 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CRL.M.C. 6556/2024

By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioners seek quashing of case FIR No. 055/2021 dated 30.01.2021 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') and sections 3/4 of the Dowry Prohibition Act, 1961 ('Dowry Prohibition Act') at P.S.: Bhajan Pura, Delhi ('subject FIR').



2. Though the present petition has been filed under the provisions of the 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*", were already ***pending*** immediately before the date on which the BNSS came into force, i.e. 01.07.2024. It appears therefore, that while inserting the repeal and savings provision in section 531 of the BNSS, the intention of Parliament was to not disrupt on-going proceedings by changing the governing law during the pendency of such proceedings.
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 Deed dated 09.05.2024 ('Settlement Deed'); and Divorce Deed dated 31.07.2023 ('Divorce Deed') whereby the parties have recorded the dissolution of their marriage through *talaq-e-hasan*, namely by '*talaq*' being pronounced by petitioner No. 1 to respondent No. 2 on three occasions between 29.05.2023 and 31.07.2023 under Shariat Law.
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 and respondent No. 2 have joined *via* video-conferencing. Their credentials have been verified and they have also been duly identified by their respective counsel.
7. The parties have confirmed that no child was born from the wedlock and that the divorce between the parties has not been challenged.
8. The court has queried respondent No. 2, who confirms that her marriage with petitioner No. 1 has been dissolved; and that a settlement deed has been entered into between the parties; and that all her claims including towards maintenance (past, present and future), dowry articles, jewellery, permanent alimony, etc. stand settled. Respondent No. 2 confirms that all aspects of the settlement have now been performed. The court has also interacted with petitioner No. 1, who also confirms that his marriage to respondent No. 2 stands dissolved by *talaq-e-hasan* as recorded in the divorce deed. The parties also inform the court that petitioner No.1 and respondent No.2 have not co-habited since September 2019.
9. Ms. Shubhi Gupta, learned APP 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. 055/2021 dated 30.01.2021 registered under sections 498-A/406/34 IPC and sections 3/4 of the Dowry Prohibition Act at P.S at P.S.: Bhajan Pura, Delhi is quashed. All proceedings arising therefrom also stand closed.
12. Petition stands disposed-of.
13. Pending applications, if any, also stand disposed-of.
14. It is clarified however, that the court has not expressed any opinion on the validity or otherwise of the *talaq-e-hasan* as recorded in Divorce Deed dated 31.07.2023.

ANUP JAIRAM BHAMBHANI, J

AUGUST 22, 2024/ak