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

+ **W.P.(CRL) 2563/2024**

ANUJ & ORS.

.....Petitioners

Through: Mr. Pawan Kumar, Advocate.
along with petitioners.

versus

GOVT. N.C.T. OF DELHI (THE STATE) & ANR.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
the State with SI Akash Kumar, P.S.
Bhajanpura.
R-2 in-person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

22.08.2024

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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, the petitioners who are the former husband and in-laws of respondent No.2/complainant, seek quashing of case FIR No. 0383/2017 dated 21.07.2017 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Bhajan Pura, Delhi ('subject FIR').

2. The petition is premised on Settlement Deed dated 21.03.2024 arrived at through counselling before the Principal Counsellor, Karkardooma District Courts, Delhi ('Settlement Deed'); and Divorce Decree dated 09.07.2024 ('Divorce Decree'), 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 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 the counsel as well as by the investigating officer.
5. No appeal is stated to have been filed from the divorce decree.
6. The court has queried respondent No. 2 very closely. Strangely enough she states that her daughter, who is now about 16 years old, has been staying with the husband (petitioner No.1) for the last 8-9 years; and that her son, who is now about 10 years old, and used to stay with her until 2-3 years ago, has also now shifted-in with the father. Respondent No.2 has however categorically said that she neither wants to meet her children nor does she seek any visitation rights.
7. Respondent No. 2 has also confirmed that she has taken divorce by mutual consent; and that a settlement deed has been entered into between the parties; and that all her claims, including towards maintenance (past, present and future), *stridhan*, dowry articles, jewellery, permanent alimony, etc. stand settled. Respondent No. 2 confirms that all aspects of the settlement have now been performed.
8. Ms. Shubhi Gupta, learned APP appearing for the State points-out that another person, by name Lokesh, was also named in the chargesheet; and proceedings under section 82 of the Code of Criminal Procedure 1973 ('Cr.P.C.') are now going-on against the said person, since he is absconding.



9. Mr. Pawan Kumar, learned counsel appearing for the petitioners submits, that the said person has not joined the present petition since he has not been in contact with any of the petitioners for the last several years; and that the petitioners are not concerned with the said person at all; and the present petition may be decided regardless of any proceedings that may be ongoing against the said Lokesh.
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. 0383/2017 dated 21.07.2017 registered under sections 498-A/406/34 of the IPC at P.S.: Bhajan Pura, Delhi, is quashed *insofar as the petitioners are concerned*. All proceedings arising therefrom also stand closed *qua* the petitioners.
12. It is made clear however, that the present order quashing the subject FIR shall not affect the right of the minor children referred to above, to meet and interact with their mother, if they so desire, as per the convenience of the parties.
13. Furthermore, quashing of the subject FIR by way of the present order shall not imply closure of the proceedings that are ongoing against



accused Lokesh, including proceedings under section 82 of the Cr.P.C.

14. Petition stands disposed-of in the above terms.
15. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

AUGUST 22, 2024

V.Rawat