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

+ **CRL.M.C. 6680/2024**

KULDEEP POKHRIYAL & ANR.

.....Petitioners

Through: Mr. Sarat Behera, Mr. J.K. Verma and
Ms. Pinky Kumari, Advocates.

versus

THE STATE (GOVT. OF NCT DELHI) & ANR.Respondents

Through: Ms. Shubhi Gupta, APP for the State
with SI Vijay Kumar, P.S.: Jaitpur.
Mr. Jitendar Singh, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER
28.08.2024

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CRL.M.A. 25508/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 6680/2024

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 father-in-law of the complainant/respondent No. 2, seek quashing of case FIR No. 0305/2020 dated 28.07.2020 registered under sections 498A/406/34 of the Indian Penal Code, 1860 ('IPC') and sections 3/4 of Dowry Prohibition Act, 1961 ('Dowry Prohibition Act') at P.S.: Jait Pur, New Delhi ('subject FIR').



2. The petition is premised on Settlement Agreement dated 25.01.2024 ('Settlement Agreement') arrived at through mediation at the Mediation Centre, Saket Courts, New Delhi; and Divorce Decree dated 02.05.2024, 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 also of respondent No. 2, alongwith proofs of their I.D.s.
4. Petitioner No.1 and respondent No. 2 are present in court. Their credentials have been verified and they have also been identified by the Investigating Officer and by their respective counsel. Petitioner No. 2 is not present as he is stated to be about 75 years of age and residing in his native place in Pauri Garhwal, Uttarakhand.
5. Petitioner No. 1 and respondent No. 2 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 respondent No. 2, who confirms that she has taken divorce by mutual consent; and that a settlement agreement 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. 4,50,000/- from petitioner No. 1; out of which Rs. 3,00,000/- was paid earlier and respondent No. 2 confirms that she has received the balance sum of Rs. 1,50,000/- by an NEFT transfer made to her today in compliance



of the terms of the settlement agreement. Respondent No. 2 confirms that all aspects of the settlement have now been performed.

8. Ms. Shubhi Gupta, learned APP 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. 0305/2020 dated 28.07.2020 registered under sections 498A/406/34 IPC and sections 3/4 Dowry Prohibition Act at P.S.: Jait Pur, New 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 28, 2024/ak