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

+ **CRL.M.C. 6689/2024**

JATINDER SINGH

.....Petitioner

Through: Mr. Vikas Chadha, Mr. Rahul Saini,
Ms. Devanjali Chadha, Advocates.

versus

THE STATE OF NCT OF DELHI & ANR.Respondents

Through: Ms. Shubhi Gupta, APP for the State,
IO/SI Jeetendra Kr. Singh, P.S.:
Mukherjee Nagar.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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28.08.2024

CRL.M.A. 25542/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 6689/2024

By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioner, who is the former husband of the complainant/respondent No. 2, seeks quashing of case FIR No. 0362/2018 dated 07.07.2018 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Mukherjee Nagar, New Delhi.



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 Agreement dated 15.12.2020 ('Settlement Agreement') arrived at through mediation before the Mediation Centre, Rohini District Courts, New Delhi; and Divorce Decree dated 19.02.2022, 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.
5. The petition is supported by affidavits of the petitioner, as also of respondent No. 2, alongwith proofs of their I.D.s.



6. The petitioner and respondent No. 2 are present in court. Their credentials have been verified and they have also been identified by the Investigating Officer ('I.O.').
7. The parties have confirmed that no child was born from the wed-lock.
8. No appeal is stated to have been filed from the divorce decree.
9. 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. Respondent No. 2 submits 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.
10. Respondent No. 2 further informs the court that she has re-married in March 2022.
11. Ms. Shubhi Gupta, learned APP confirms that the State has no objection to the subject FIR being quashed.
12. 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.



13. Accordingly, FIR No. 0362/2018 dated 07.07.2018 registered under sections 498-A/406/34 IPC at P.S.: Mukherjee Nagar, New Delhi is quashed. All proceedings arising therefrom also stand closed.
14. Petition stands disposed-of.
15. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

AUGUST 28, 2024/V.Rawat