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

+ **CRL.M.C. 6818/2024**

MR. KUNAL CHOPRA & ANR.

.....Petitioners

Through: Mr. Amar Nath Tiwari, Mr. Anand
B.L. Srivastva, Ms. Kalyani,
Advocates with petitioner No.1 in-
person and P-2 via
video-conferencing.

versus

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

.....Respondents

Through: Mr. Utkarsh, APP for the State with
Mr. Aayush Kumar Natrajan, Mr.
Hiralal, Ms. Neeru Dua, Mr. B. L.
Mittal and Mr. Aash Mohammd,
Advocates. SI Reena, P.S.: Prashant
Vihar.
Mr. Akhilesh Kumar Pandey,
Advocate for R-2 alongwith R-2.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

30.08.2024

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CRL.M.A. 26057/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 6818/2024

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 mother-in-law of the complainant/respondent No.
2, seek quashing of case FIR No. 840/2005 dated 23.09.2005



registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Prashant Vihar, Delhi ('subject FIR').

2. The petition is premised on Memorandum of Understanding dated 31.07.2024; and an *ex-parte* Divorce Decree dated 12.01.2009 which was passed on a petition under section 13(1)(ia) of the Hindu Marriage Act 1955, whereby respondent No. 2 had sought dissolution of her marriage with petitioner No. 1. No appeal is stated to have been filed by petitioner No. 1 challenging the *ex-parte* divorce decree, and the decree has accordingly attained finality.
3. The petition is supported by affidavits of petitioner No. 1 as also of respondent No. 2, alongwith proofs of their I.D.s. As per the record, petitioner No. 2 has executed a Special Power of Attorney appointing petitioner No.1 as her special attorney; and is thereby represented in the present proceedings through petitioner No. 1.
4. Petitioner No. 1 as well as respondent No. 2 are present in court; and petitioner No. 2 has joined the hearing *via* video-conferencing. Their credentials have been verified and they have also been identified by their respective counsel.
5. The court has queried Ms. Meenakshi, respondent No. 2, who confirms that she has taken divorce from petitioner No. 1; and that a settlement deed has also been entered into between the parties by way of the MoU referred to above. Respondent No. 2 confirms that all aspects of the settlement have been performed.
6. There is one child (a son) who was born to the parties. He is presently stated to be about 24 years old and presently resides with respondent



No. 2 (his mother) and is stated to be interacting with petitioner No. 1 (his father) from time-to-time.

7. Mr. Utkarsh, learned APP appearing for the State submits, that the subject FIR dates back to 23.09.2005, and even the *ex-parte* decree of divorce is dated 12.01.2009, submitting therefore that the parties ought to have taken steps for quashing of the subject FIR much earlier. However, he confirms that otherwise the State has no objection to the subject FIR being quashed.
8. After interacting with the parties, the court is satisfied with the explanation offered by them for the inordinate delay in proceeding further with their settlement and seeking closure of the proceedings in the subject FIR. It may be mentioned that one of the reasons cited for the delay is that petitioner No.1 has been suffering from serious illness, which requires him to be in hospital a lot of the time.
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. 840/2005 dated 23.09.2005 registered under sections 498-A/406/34 of IPC at P.S.: Prashant Vihar is quashed. All proceedings arising therefrom also stand closed.
11. Needless to add that the settlement between the parties leading to the closure of all criminal proceedings by way of the present order will in no way affect the property rights and other rights of their son, namely Dhruv, *vis-à-vis* his father, as may be available under law, in any manner whatsoever.
12. Petition stands disposed-of.
13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

AUGUST 30, 2024/ak