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

+ **CRL.M.C. 6821/2024**

RAHUL NAGAR & ORS.

.....Petitioners

Through: Ms. Mansi Gulati, Advocate with
petitioners Nos. 2 and 3 in court and
petitioners Nos.1 and 4 *via* video-
conferencing.

versus

STATE OF DELHI & ANR.

.....Respondents

Through: Mr. Manoj Pant, APP for the State
with Mr. Gyanendra Kumar Mishra,
Mr. Anam Sohail, Mr. Syed Aiman
Jahil, Mr. Hammad Khan and Mr.
Rajat Dasgupta, Advocates.
R2 in court.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER
30.08.2024

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By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioners, who are the husband and in-laws of the complainant/respondent No. 2, seek quashing of case FIR No. 309/2022 dated 05.05.2022 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Ghazipur, 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 Deed dated 10.08.2023 arrived at through mediation before the Delhi Mediation Centre, Karkardooma Courts, Delhi, whereby the petitioners and respondent No. 2 have resolved the matter amicably.
5. The petition is also supported by affidavits of the petitioners, alongwith proofs of their I.D.s.
6. The petitioners as well as respondent No. 2 are present in court. Their credentials have been verified and they have also been identified by their respective counsel.
7. Parties are stated to have resolved all their disputes amicably and in view of the settlement, respondent No.2 has re-joined the company of



petitioner No. 1 since 15.08.2023, subsequent to which another child, being a baby girl, has also been born to the parties. Parties are stated to be residing together peacefully, alongwith their two minor children.

8. Mr. Manoj Pant, 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. 309/2022 dated 05.05.2022 registered under sections 498-A/406/34 IPC at P.S.: Ghazipur, 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 30, 2024

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