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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 6860/2024**
ABHISHEK SHARMA & ORS.Petitioners
Through: Counsel (appearance not given).

versus

STATE NCT OF DELHI & ANR.Respondents
Through: Mr. Utkarsh, APP for the State.
Ms. Joel and Mr. Ujjwal Gupta,
Advocates for R2.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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02.09.2024

CRL.M.A. 26226/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL. M.C. 6860/2024

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 in-laws of the complainant/respondent No.2, seek quashing of case FIR No.106/2023 dated 20.12.2023 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Crime (Women) Cell, Nanak Pura, Delhi.

2. The petition is premised on Settlement dated 02.03.2024 arrived at through mediation before the Delhi Mediation Centre, Tis Hazari Courts, Delhi; and Divorce Decree dated 17.05.2024, 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. Petitioners Nos.1 & 5 as well as respondent No.2 are present in court. Petitioners Nos. 2 to 4 have joined the proceedings *via* video-conferencing. Their credentials have been verified and they have also been identified by their respective counsel.
5. The court has queried respondent No.2, who confirms that she has taken divorce by mutual consent; and that a settlement deed 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. 6,00,000/- and 01 “locked almirah” from petitioner No.1; out of which Rs.3,00,000/- was paid earlier and Rs.3,00,000/- has been paid in court today, in compliance of the terms of the mediated settlement. She further states that in compliance of the said mediated settlement, the “locked almirah” has also been returned to her. Respondent No.2 confirms that all aspects of the mediated settlement have now been performed.
6. Mr. Utkarsh, learned APP confirms that the State has no objection to the subject FIR being quashed.
7. 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.

8. Accordingly, FIR No.106/2023 dated 20.12.2023 registered under sections 498-A/406/34 of the IPC at P.S.: Crime (Women) Cell, Nanak Pura, Delhi is quashed. All proceedings arising therefrom also stand closed.
9. The parties have one son, namely Master Abhiyansh Sharma, who is stated to be about 08 years of age. Though as per the agreement between the parties, the custody of the son is to remain with petitioner No.1 with certain visitation rights with respondent No.2, it is clarified that such agreement between the parties will not affect the right of the son to interact and engage with his mother/respondent No. 2, as and when he so desires, subject to logistical convenience of the parties.
10. 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 of the minor child *vis-a-vis* his parents, as may be available under law, in any manner whatsoever.
11. Petition stands disposed-of.
12. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 2, 2024

V.Rawat