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

+ CRL.M.C. 6935/2024

MUKESH KUMAR & ORS.

.....Petitioners

Through: Ms. Anshika Goyal, Advocate.
Petitioners *via* video-conferencing.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Shubhi Gupta, APP for the State.
Investigating Officer, P.S.: Mohan
Garden, Delhi
Counsel for R-2 (Appearance not
given).
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **16.12.2024**

CRL.M.A. 26571/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

Crl. M.C. 6935/2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners seek quashing of case FIR No. 0289/2023 dated 21.08.2023 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Mohan Garden, Delhi ('subject FIR').

2. The petition is premised on an oral settlement arrived at between petitioner No.1 (husband) and respondent No.2 (wife), whereby they have settled their *inter-se* disputes and are now cohabiting.



3. The petition is supported by affidavits of the petitioners, as also of respondent No. 2, alongwith proof of their IDs.
4. Respondent No. 2 is present in court and the petitioners have joined the proceedings *via* video-conferencing. Their credentials have been verified and they have also been identified by the Investigating Officer and by their respective counsel.
5. The court has interacted with respondent No.2, who confirms that though there is no written settlement, she has resolved her disputes with the petitioners. She states that she has been cohabiting with her husband (petitioner No.1) and their two minor children since 05.10.2023.
6. Upon being queried about the delay in filing the present quashing petition, Ms. Anshika Goyal, learned counsel appearing on behalf of the petitioners submits, that the contesting parties had decided to resume cohabitation and to give each other some time to ensure that the issues that are subject matter of the FIR do not arise again, before filing the present petition.
7. Ms. Goyal prays that further proceedings in the subject FIR are unnecessary; and accordingly, the same may be quashed.
8. Ms. Shubhi Gupta, learned APP appearing on behalf of the State 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. 0289/2023 dated 21.08.2023 registered under sections 498-A/406/34 IPC at P.S.: Mohan Garden, Delhi is quashed. All proceedings arising therefrom also stand closed.
11. The petition stands disposed-of.
12. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

DECEMBER 16, 2024
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