



\$~60

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

+ **CRL.M.C. 6955/2024**

GAGANDEEP SINGH

.....Petitioner

Through: Mr. Rosemary Raju, Advocate.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP for
the State with SI Tulsi, PS CR Park.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

04.09.2024

%

CRL.M.A. 26569/2024 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 6955/2024

3. The Petition under Section 528 of the Bhartiya Nagarik Suraksha Sanhita (*hereinafter referred to as 'B.N.S.S., 2023'*) has been filed on behalf of the petitioner, seeking to quash the FIR No. 106/2019 dated 07.07.2019 for the offence under Section 498A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC, 1860'*) registered at Police Station CR Park, New Delhi.
4. Issue notice.
5. Mr. Satinder Singh Bawa, learned Additional Public Prosecutor appearing on advance notice, accepts notice on behalf of the State.



6. Brief facts of the case are that the marriage was solemnized between the petitioner and respondent No. 2 on 26.09.2014 at Jalandhar, according to the Sikh rites and ceremonies and one daughter was born out of the said wedlock, who is in the custody of the mother/respondent No. 2, since birth.

7. Briefly stated that due to marital discord, the parties stopped cohabiting together as husband and wife and started living separately since 10.03.2018.

8. The respondent No. 2/wife had filed a complaint dated 20.07.2019 before the CAW Cell, CR Park Police Station, New Delhi, against the petitioner due to the marital discord between the parties. On the complaint of the respondent No. 2, an FIR bearing No. 106/2019 dated 07.07.2019 for the offence under Section 498A/406/34 of the IPC has been registered at Police Station CR Park, New Delhi. Charge has been filed and the matter was registered as CR Case No. 2926/2022, before the Court of learned Metropolitan Magistrate (Mahila Court), Saket, Delhi. The respondent No. 2 had also instituted a complaint under Section 125 CrPC bearing Maintenance Case No. 222/2018 seeking maintenance for herself and the minor daughter, before the Court of learned Judge, Family Court, Saket District Court, New Delhi. The respondent No. 2/wife had also instituted a complaint under Section 156(3) CrPC against the petitioner and his family members, before the Court of learned Metropolitan Magistrate, Saket District Court, New Delhi. The petitioner also instituted a complaint bearing CT No. 7094/2018 under the provisions of the Protection of Women against Domestic Violence Act, 2005, before the learned Metropolitan Magistrate, South-East District, Saket Court, New Delhi. The petitioner also instituted a Petition under Section 9 of the Hindu Marriage Act, which is pending before



the Court of Additional Principal Judge, Family Court, Ludhiana.

9. It is stated that due to intervention of their well-wishers and family members of both the parties, the matter has been amicably settled *vide* Settlement Deed dated 16.05.2024 wherein it was *inter alia* settled between the parties that the respondent No. 2/wife and the petitioner/husband shall dissolve their marriage by filing a Petition for divorce by mutual consent under Section 13B(1) and (2) of the Hindu Marriage Act, 1955. It is stated that petitioner/husband shall pay a sum of Rs. 16,00,000/-, by way of Demand Draft, in favour of the respondent No. 2/wife, towards full and final settlement of all the claims of the respondent No. 2 including the claims of the child (past, present and future) and permanent alimony, maintenance (past, present and future), Istridhan, other articles and/or other belongings. It is also stated that the petitioner shall pay Rs. 16,00,000/- to the respondent No. 2/wife, at the time of recording of the statements of the parties in the second Motion Petition under Section 13B(2) of the Act. It is further agreed that the respondent No. 2 shall have no claim/demand against the petitioner or his family members. It is further agreed between the parties that within five working days of recording of the statements of the parties, in the First Motion Petition under Section 13B(1) of the Act, the respondent No. 2 shall withdraw her complaint being CT No. 7094/2018 under Section 12 of the PWDV and Maintenance Case No. 222/2018 and complaint under Section 156(3) CrPC against the petitioner and his family members, which is pending before the learned MM, Saket District Court, New Delhi. It is further agreed that within five working days of recording of the statements of the parties in the First Motion Petition under Section 13B(1) of the Act, the petitioner shall withdraw his Petition under Section 9 of the Hindu



Marriage Act, before the Court of Additional Principal Judge, Family Court, Ludhiana. It is further agreed between the parties that the petitioner has no visitation/temporary/permanent custody of his minor daughter.

10. It is stated that the petitioner has already paid Rs. 16,00,000/- to the respondent No. 2 and same has been accepted by the respondent No. 2/wife.

11. It is also stated that on 30.07.2024, the marriage between the petitioner and respondent No. 2, had been dissolved as per the Sikh Law.

12. In view of the Settlement Deed dated 16.05.2024, the present Petition has been filed.

13. The parties are present before this Court in-person today, and have been identified by their counsel and Investigating Officer concerned. The parties have endorsed the amicable settlement and accepted the terms thereof voluntarily.

14. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Deed dated 16.05.2024 and thus, no fruitful purpose will be served in continuing with the FIR.

15. The present petition has been signed by the petitioner and is supported by his affidavit. The parties have reaffirmed the terms of the settlement arrived at *vide* Settlement Deed dated 16.05.2024 and they also submit that the said Settlement Deed dated 16.05.2024 has been arrived at between the parties, without any pressure and coercion.

16. Today, the respondent No. 2/wife, who is present in the Court, states that she has received all amounts due to her and has no objection if the FIR is quashed.

17. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion and also



the fact that the present matter is a family matter, no useful purpose will be served in continuing with the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

18. Moreover, there is no legal impediment in quashing the FIR in question. It is however, made clear that the settlement between the parties *vide* Settlement Deed dated 16.05.2024 is without prejudice to the rights and entitlement of the child.

19. Accordingly, FIR No. 106/2019 dated 07.07.2019 for the offence under Section 498A/406/34 of the IPC registered at Police Station CR Park, New Delhi and all consequential proceedings emanating therefrom are quashed.

20. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 4, 2024/RS