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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 7102/2024 & CRL.M.A. 27084/2024, CRL.M.A.**
27085/2024

AMIT BEHL AND ORS

.....Petitioners

Through: Mr. R. Vasudev, Mr. Abhinav
Vasudev and Mr. Sushil Kumar,
Advocates for P-2.

versus

THE STATE NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Shubhi Gupta, APP for the State
with SI Vijay Pal Singh, P.S. CWC
Nanak Pura.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

20.11.2024

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By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973, the petitioners, who are the former husband and in-laws of the complainant/respondent No. 2, seek quashing of case FIR No. 16/2020 dated 24.09.2020 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Crime (Women) Cell Nank Pura, Delhi.

2. The petition is premised on Settlement Agreement dated 22.01.2024 arrived at through counselling before the Counselling Cell, Family Courts, Dwarka, Delhi; and Divorce Decree dated 07.06.2024, 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 supported by affidavits of the petitioners, as also of respondent No. 2, alongwith proof of their IDs.
4. 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.
5. The parties have confirmed that one girl child, viz. Aadhya, was born from the wedlock, who is minor as of date.
6. No appeal is stated to have been filed from the divorce decree.
7. The court has queried respondent No. 2, who confirms that she has taken divorce by mutual consent; and that a settlement agreement 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.4,50,000/- from petitioner No. 1; out of which Rs. 2,50,000/- was paid earlier and Rs.2,00,000/- has been paid in court today, in compliance of the terms of the settlement agreement. Respondent No. 2 confirms that all aspects of the settlement have now been performed.
8. Ms. Shubhi Gupta, 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. 16/2020 dated 24.09.2020 registered under sections 498-A/406/34 IPC at P.S.: Crime (Women) Cell Nank Pura, Delhi is quashed. All proceedings arising therefrom also stand closed.
11. Regardless of what is recorded in para 8 of Settlement Agreement dated 22.01.2024, it is clarified and the parties have agreed that the father will be entitled to have visitation rights to meet his daughter once a month on the 01st or 03rd Saturday between 03:00 p.m. to 05:00 p.m. *at any location of the convenience of the parties*; and nothing in the settlement agreement will restrict the right of the daughter to meet her father as and when she so desires, subject to the logistical convenience of the parties.
12. 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 the minor child *vis-à-vis* her father, as may be available under law, in any manner whatsoever.
13. Petition stands disposed-of in the above terms.
14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

NOVEMBER 20, 2024/V.Rawat