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

+ **CRL.M.C. 7159/2024**

NOOR MOHD & ORS.Petitioners

Through: Counsel (appearance not given).
P-1, P-3 to P-7 in-person.
P-2 *via* video-conferencing.

versus

THE STATE OF NCT OF DELHI & ANR.Respondents

Through: Ms. Shubhi Gupta, APP for the State
with PSI Shivani Bisht, P.S.: Khajuri
Khas.
R-2 in-person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **10.09.2024**

CRL.M.A. No.27331/2024 & 27332/2024 (exemptions)

Exemptions granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The applications stand disposed of.

CRL.M.C. 7159/2024

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. 0590/2016 dated 10.08.2016 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') and section 4 of Dowry Prohibition Act, 1961 ('Dowry Prohibition Act') at P.S.: Khajuri Khas, Delhi ('subject FIR').



2. The petition is premised on Settlement Agreement dated 02.12.2023 ('settlement agreement'); and Mutual Consent Divorce Agreement (*Ikrarnama*) dated 02.12.2023 ('divorce agreement') signed between petitioner No.1 and respondent No.2 in accordance with applicable personal law.
3. The petition is also supported by affidavits of the petitioners, as also of respondent No. 2, alongwith proof of their I.D.s.
4. The petitioners and respondent No. 2 are present in court, except for petitioner No.2 who appears *via* video-conferencing since she is stated to have undergone surgery recently and has been advised bedrest. The credentials of the parties been verified and they have also been identified by the Investigating Officer.
5. The parties have confirmed that no child was born from the wed-lock.
6. The court has queried respondent No. 2, who confirms that a settlement agreement has been entered into between petitioner No.1 and respondent No.2; and that all her claims including towards maintenance (past, present and future), dowry articles, jewellery, permanent alimony, etc. stand settled. As narrated in the divorce agreement, petitioner No.1 is stated to have given *talaq* to respondent No.2 by pronouncing the word on 03 separate occasions on 02.10.2023, 02.11.2023 and 02.12.2023. Respondent No.2 has also confirmed that she has received the amount of *meher*, which was settled at Rs.50,000/-. Respondent No. 2 confirms that all aspects of the settlement have now been performed.
7. Both respondent No.2 and petitioner No.1 are stated to have contracted *nikah* with other persons subsequently.



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. 0590/2016 dated 10.08.2016 registered under sections 498-A/406/34 IPC and section 4 Dowry Prohibition Act at P.S.: Khajuri Khas, 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

SEPTEMBER 10, 2024/ak