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

+ **CRL.M.C. 7190/2024**

GURJEET SINGH & ANR

.....Petitioners

Through: Mr. Jogendra Kumar and Ms. Hemlata, Advocates alongwith P1.
P2 via vide-conferencing

versus

STATE GOVT OF NCT OF DELHI & ANRRespondents

Through: Mr. Manjeet Arya, APP for the State with SI Naresh, P.S. Dabri and I.O./WSI Rashmi P.S. Malviya Nagar.
Mr. Sahil Gandhi, Mr. Hemant Kapoor and Ms. Sakshi Verma, Advocates for R2.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **11.09.2024**

CRL.M.A.27466/2024(exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 7190/2024

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. 799/2020 dated 12.10.2020 registered under sections 493/420/468/471/376 of the Indian Penal Code, 1860 ('IPC') at P.S.: Dabri, Delhi ('subject FIR').



2. The petition is premised on Settlement Deed dated 28.05.2024 ('Settlement Deed') arrived at through mediation before the Mediation Centre, Dwarka District Courts, New Delhi entered between petitioner No. 1 and respondent No. 2, whereby the parties have resolved their disputes amicably.
3. The petition is also supported by affidavits of the petitioners and of respondent No. 2, alongwith proof of their I.D.s.
4. Petitioner No. 1 and respondent No. 2 are present in court. Petitioner No. 2 has joined the proceedings *via* video-conferencing since she is stated to be recuperating after a major surgery. Their credentials have been verified and they have also been identified by their respective counsel and by the Investigating Officer.
5. The court has interacted with respondent No.2, as also with petitioner No.1, who have confirmed that they have now resolved the matter and the settlement deed has been signed by them closing all issues amicably. Parties now wish to live in peace and harmony going forward.
6. Respondent No.2 submits that property bearing No. D-2/86, First Floor, Jeewan Park, Pankha Road, Uttam Nagar, New Delhi ('subject property') stands in her name. Petitioner No. 1 concurs in the submission and states that he has handed-over vacant, physical possession of the subject property alongwith its keys, and all furniture, fittings and fixtures as mentioned in the Settlement Deed to respondent No.2; and that he shall not claim any title or right to reside in the subject property at any time in the future.



7. Though, as agreed-to by the parties in the Settlement Deed, the custody of their minor daughter, baby Jasmaira, is to remain with respondent No.2 (mother), petitioner No.1 (father) shall have visiting rights to the child, at least once a month as per the convenience of the parties.
8. Respondent No. 2 and petitioner No. 1 have confirmed that they got married on 21.01.2015 and have been living as man and wife ever-since; and that baby Jasmaira is their child; and that regardless of the status/validity of their marriage, and irrespective of what may have been agreed-to between the parties in the Settlement Deed and in the Additional Memorandum of Understanding dated 30.05.2024 signed between them, nothing therein contained shall affect the rights of the minor child Jasmaira to engage with and interact with her father, as well as to the properties of her father, as may be permissible, in accordance with law.
9. Respondent No.2 also confirms that she has already received the sum of Rs. 80,000/- as per the terms of the settlement; and nothing further remains to be performed in relation thereto.
10. Petitioner No.1 also confirms, that all furniture, fittings and fixtures in the subject property are in order; and that he has also cleared all dues including towards electricity, water bills, as well as property tax bills upto the date of handing-over of possession of the subject property to respondent No.2. Petitioner No. 1 further undertakes that if any such dues remain payable, he shall clear them within a reasonable time of respondent No.2 informing him about the same. The undertaking given by petitioner No.1 is taken on record.



11. Mr. Manjeet Arya, learned APP confirms that the State has no objection to the subject FIR being quashed.
12. 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.
13. Accordingly, case FIR No. 799/2020 dated 12.10.2020 registered under sections 493/420/468/471/376 of the IPC at P.S.: Dabri, Delhi is quashed. All proceedings arising therefrom also stand closed.
14. Petition stands disposed-of.
15. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 11, 2024
V.Rawat