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

+ **CRL.M.C. 7203/2024**

SANDEEP MAHAJAN

.....Petitioner

Through: Mr. Suraj Galiyan, Ms. Priyanka and
Mr. Nitin Sharma, Advocates.

versus

THE STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Manoj Pant, APP for the State
with SI Dimesh Tyagi, P.S. Preet
Vihar.
Mr. Abhinav Rathi, Adv. for R2.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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11.09.2024

CRL.M.C. 7203/2024

By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973, the petitioner, who is the husband of the complainant/respondent No. 2, seeks quashing of case FIR No. 64/2023 dated 16.03.2023 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 at P.S.: Preet Vihar, Delhi ('subject FIR').

2. Though the present petition has been filed under the provisions of the Cr.P.C., in the opinion of this court, on a plain but meaningful reading of section 531(2)(a) of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), proceedings are to be "*disposed of, continued, held or made*" in accordance with the Cr.P.C. *only* in cases where ***such proceedings***, viz. "*any appeal, application, trial, inquiry or investigation*", were already ***pending*** immediately before the date on



which the BNSS came into force, *i.e.* 01.07.2024. It appears therefore, that while inserting the repeal and savings provision in section 531 of the BNSS, the intention of Parliament was to not disrupt on-going proceedings; and to therefore not change the governing law during the pendency of such proceedings.

3. Since the present petition is a fresh proceeding and has been *filed after 01.07.2024*, in the opinion of this court, the present petition ought to have been filed under the BNSS. Be that as it may, in order to obviate any unnecessary delay, the present petition is treated as one under section 528 of the BNSS.
4. The petition is premised on Compromise Deed dated 23.08.2023.
5. The petition is also supported by affidavits of the petitioners as also of respondent No. 2, alongwith proofs of their I.D.s.
6. The petitioner 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.
7. The court has interacted with respondent No.2. She confirms that she has resolved her disputes with the petitioner. She states that she has been co-habiting with the petitioner since 24.02.2024 alongwith their child.
8. Mr. Manoj Pant, 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. 64/2023 dated 16.03.2023 registered under sections 498-A/406/34 IPC at P.S.: Preet Vihar, 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 11, 2024

V.Rawat