



\$~47

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

+ **CRL.M.C. 7241/2024**

SALEEM AND OTHERS

.....Petitioners

Through: Mr. Farhat Qadeeri with Mohd. Afsar
and Ms. Sabahat Begum, Advocates.

versus

THE STATE NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Shubhi Gupta, APP for the State
with W/SI Vandana, P.S.: Madhu
Vihar.

R2 in court.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

%

12.09.2024

CRL.M.A. 27654/2024

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL. M.C.7241/2024

By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioners, who are the husband and in-laws of the complainant/respondent No. 2, seek quashing of case FIR No.408/2017 dated 17.11.2017 registered under sections 323/354-B/506 of the Indian Penal Code, 1860 ('IPC') at P.S.: Madhu Vihar, East Delhi.

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 Settlement Deed dated 10.07.2019, whereby petitioner No.1 and respondent No.2 have resolved the matter amicably.
 5. The petitioners are stated to be in judicial custody since they were denied bail by the learned trial court. Respondent No.2 is present in court. She has been identified by the Investigating Officer.
 6. The petition is supported by affidavits of Ms. Rahil Khan, *paikar* of all the petitioners, as also of respondent No. 2, alongwith proof of their I.D.s.
 7. Ms. Shubhi Gupta, learned APP appearing for the State has drawn attention to the proceedings in the case, to highlight that on 02 occasions *kalandaras* had to be registered against the petitioners; and since they were not appearing before the learned trial court, they were



also declared 'Proclaimed Offenders', which is why they have not been granted bail by the learned trial court.

8. Learned APP also submits that perusal of the FIR will show that respondent No.2 was *repeatedly* subjected to beatings by the petitioners.
9. The court has interacted with respondent No.2. She has been asked pointed questions as to why she has entered into a settlement with the petitioners *vide* Settlement Deed dated 10.07.2019 under the aegis of the Counselling Cell, Family Court, Karkardooma, Shahdara, Delhi. Respondent No.2 has *categorically and repeatedly* said that despite what may have happened in the past, she had rejoined the company of petitioner No.1 on 20.07.2019 *i.e.*, a few days after the settlement was arrived-at; that subsequently she has had another baby girl with petitioner No.1; and that she is living *very happily* with petitioner No.1 and his family ever since. She has in fact vehemently requested the court to quash all proceedings arising from the FIR, so that her husband and family can be released from custody.
10. 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.



11. Accordingly, FIR No.408/2017 dated 17.11.2017 registered under sections 323/354B/506 of the IPC at P.S.: Madhu Vihar, East Delhi is quashed. All proceedings arising therefrom also stand closed.
12. Petition stands disposed-of.
13. Pending applications, if any, also stand disposed-of.
14. A copy of the order be given *dasti* under signatures of the Court Master.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 12, 2024

ds