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

+ **CRL.M.C. 7285/2024**

IMRAN KHAN AND ORS.

.....Petitioners

Through: Mr. Ayyub Ahmad, Advocate.

versus

STATE OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Utkarsh, APP for the State with
SI Sukh Pal, P.S.: Nangloi and SI B.
Parkash, P.S.: Sultanpuri.

Counsel for R-2 (appearance not
given) with Respondent No.2 in-
person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

13.09.2024

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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. 539/2022 dated 08.06.2022 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Sultanpuri, Delhi.

2. The petition is premised on Memorandum of Understanding dated 04.09.2024; and the parties confirm that they have taken divorce by way of executing Deed of Dissolution of Marriage with Mutual Consent (Mubarat Deed) dated 04.09.2024, which is binding on them.



3. The petition is supported by affidavits of the petitioners as also of respondent No. 2, alongwith proof of their I.D.s.
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 child, viz. Haaris, was born from the wedlock, who is minor as of date.
6. The court has queried respondent No. 2, who confirms that she has taken divorce by mutual consent; and that a memorandum of understanding 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), jewellery, permanent alimony, etc., she has received the entire settlement amount of Rs. 4,50,000/-, in compliance of the terms of the settlement. Respondent No. 2 confirms that all aspects of the settlement have now been performed.
7. Mr. Utkarsh, learned APP confirms that the State has no objection to the subject FIR being quashed.
8. 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.



9. Accordingly, FIR No. 539/2022 dated 08.06.2022 registered under sections 498-A/406/34 IPC at P.S.: Sultanpuri, Delhi is quashed. All proceedings arising therefrom also stand closed.
10. It is made clear that though Memorandum of Understanding dated 04.09.2024 recites that the minor son of the parties is to remain in the custody of respondent No.2, they agree that regardless of what may have been recited in the memorandum of understanding, it shall not affect the rights of the minor child to meet and interact with his father, if he so desires, as per the convenience of the parties.
11. 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, viz. Haaris *vis-a-vis* his father, as may be available under law, in any manner whatsoever.
12. Petition stands disposed-of.
13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 13, 2024/ak