



\$~60

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

+ **CRL.M.C. 7329/2024**

**RAVI KUMAR VERMA AND ORS** .....Petitioners

Through: Mr. R. Vasudev with Mr. Rahul Nagpal, Ms. Pooja Gupta, Mr. Akash Gupta, Mr. Abhinav Vasudev, Advocates and petitioners in court.

versus

**THE STATE NCT OF DELHI AND ANR** .....Respondents

Through: Mr. Utkarsh, APP for the State with SI Bharat Singh, P.S.: Uttam Nagar. Mr. Pankaj Tripathi with Mr. Deepak Tiwari and Mr. Ratnesh Tiwari, Advocates for R2. R2 in court.

**CORAM:**

**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**ORDER**

%

**17.09.2024**

**CRL.M.A. 27969/2024**

Exemption granted, subject to just exceptions.

The application stands disposed-of.

**Crl. M.C.7329/2024**

By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973, the petitioners, who are the former husband and in-laws of the complainant/respondent No. 2, seek quashing of case FIR No. 416/2023 dated 03.08.2023 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Uttam Nagar, Delhi.

2. The petition is premised on Settlement Agreement dated 30.11.2023 arrived at through counselling before the Counselling Cell, Family



Courts, Dwarka, Delhi; and Divorce Decree dated 10.05.2024, which is the culmination of petitions under sections 13B(1) and 13B(2) of the Hindu Marriage Act 1955, whereby the parties had sought dissolution of their marriage by mutual consent.

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 daughter, viz. Advika Verma, was born from the wedlock, who is minor as of date; and as per the terms of the settlement, their daughter is to remain in the custody of respondent No. 2 without any visitation rights in favour of petitioner No. 1.
6. No appeal is stated to have been filed from the divorce decree.
7. The court has queried respondent No. 2, who confirms that she has taken divorce by mutual consent; and that a settlement agreement 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), *stridhan*, dowry articles, jewellery, permanent alimony, etc., she was to receive a sum of Rs. 10 lacs from petitioner No. 1; out of which Rs. 07 lacs was paid earlier and Rs. 03 lacs has been paid in court today, in compliance of the terms of the settlement agreement. Respondent No. 2 confirms that all aspects of the settlement have now been performed.



8. However, upon a closer reading of Settlement Agreement dated 30.11.2023 signed between the parties, it transpires that there is ambiguity, if not contradiction in the terms recorded in clauses 2 and 3 of the settlement. The court has queried the contesting parties as to the the intent and purpose of clauses 2 and 3.
9. Based on what has transpired in court, by consent and concurrence of petitioner No.1 and respondent No.2 and on advice of their counsel, it is clarified that the amount of Rs.10 lacs received by respondent No.2 under the settlement is the *cumulative sum* towards maintenance (past, present and future), *stridhan*, dowry articles, jewellery, permanent alimony, etc., which *may also be used* by respondent No. 2 for purchasing immoveable property in the joint names of respondent No.2 and the daughter Advika Verma.
10. Mr. Utkarsh, learned APP confirms that the State has no objection to the subject FIR being quashed.
11. 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.



12. Accordingly, FIR No. 416/2023 dated 03.08.2023 registered under sections 498-A/406/34 IPC at P.S.: Uttam Nagar, Delhi is quashed. All proceedings arising therefrom also stand closed.
13. It is clarified however, that regardless of the fact that as per the terms of the settlement, the custody of the minor daughter is to remain with respondent No.2 and petitioner No.1 is not to seek any visitation rights, that would not foreclose the rights and entitlement of the daughter to meet her father, if she is so desires, as per logistical convenience of the parties.
14. 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 daughter, viz. Advika Verma, vis-a-vis her father, as may be available under law, in any manner whatsoever.
15. Petition stands disposed-of.
16. Pending applications, if any, also stand disposed-of.

**ANUP JAIRAM BHAMBHANI, J**

**SEPTEMBER 17, 2024**

ds