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

+ **W.P.(CRL) 2868/2024**

SHRI SACHIN SIROHI & ORS.

.....Petitioners

Through: Ms. Jahanvi Garg & Mr. Imran Khan,
Advocates.

versus

THE STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Anand V. Khatri, ASC for the
State with ASI Partap Singh, P.S.:
Nihal Vihar.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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17.09.2024

CRL.M.A. 27997/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

W.P.(CRL) 2868/2024

By way of the present petition filed under Article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioners seek quashing of case FIR No. 707/2019 dated 13.10.2019 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Nihal Vihar, Delhi.

2. Though the present petition has been filed *inter alia* 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 Article 226 of the Constitution of India read with section 528 of the BNSS.
4. The petition is premised on Settlement dated 24.01.2024 arrived at through counselling before the Counselling Cell, Family Court, West District, Tis Hazari Courts, Delhi; and Divorce Decree dated 04.07.2024, 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.
5. The petition is supported by affidavits of the petitioners, as also of respondent No.2, alongwith proof of their I.D.s.
6. 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.



7. The parties have confirmed that no child was born from the wed-lock.
8. No appeal is stated to have been filed from the divorce decree.
9. The court has queried respondent No. 2, who confirms that she has taken divorce by mutual consent; and that a settlement 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.16,50,000/- from petitioner No.1; out of which Rs.11,00,000/- was paid earlier and Rs.5,50,000/- has been paid in court today, in compliance of the terms of the settlement. In terms of the settlement, petitioner No.1 has also agreed to transfer one Xcent car in the name of respondent No.2, which petitioner No. 1 agrees to do as per the terms of the settlement.
10. Mr. Anand V. Khatri, 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.707/2019 dated 13.10.2019 registered under sections 498-A/406/34 of the I.P.C. at P.S.: Nihal Vihar, Delhi is quashed. All proceedings arising therefrom also stand closed.
13. Petition stands disposed-of.
14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 17, 2024

V.Rawat