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

+ **CRL.M.C. 7383/2024**

ANUJ KUMAR AND ORS

.....Petitioners

Through: Mr. Sanjit Kumar, Advocate with
petitioners in court.

versus

STATE THROUGH SHO PS PATEL NAGAR AND ANR

.....Respondents

Through: Ms. Shubhi Gupta, APP for the State
with SI Bijender Singh, P.S.: Patel
Nagar.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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19.09.2024

CRL.M.A. 28166/2024

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL. M.C. 7383/2024

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.605/2022 dated 09.10.2022 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Patel Nagar, Central Delhi.



2. The petition is premised on Memorandum of Understanding dated 05.01.2024; and Divorce Decree dated 19.03.2024, 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. Petitioner No.1 and respondent No.2 are present in court. Petitioners Nos. 2 to 4 have joined the proceedings *via* video-conferencing. Their credentials have been verified and they have also been identified by their respective counsel.
5. Petitioner No.1 and respondent No.2 have confirmed that one child, namely Master Viraj, was born from the wedlock, who is 'minor' as of date.
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 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), *stridhan*, dowry articles, jewellery, permanent alimony, etc., she was to receive a sum of Rs.2,80,000/-from petitioner No.1; out of which Rs. 1,00,000/- was paid earlier and 02 demand drafts in the sum of Rs.90,000/- each (one in the name of respondent No.2 and another in the name of their minor son) have been handed-over to respondent No.2 in court today, in compliance of the terms of the memorandum of understanding.



Respondent No. 2 confirms that all aspects of the settlement have now been performed.

8. Ms. Shubhi Gupta, 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. 605/2022 dated 09.10.2022 registered under sections 498-A/406/34 of the IPC at P.S.: Patel Nagar, Central Delhi is quashed. All proceedings arising therefrom also stand closed.
11. Though as per the agreement between the parties, the custody of the minor son, Master Viraj, is to remain with respondent No.2, it is clarified that such agreement will not affect the rights of the child to interact and engage with his father, as he may decide, subject to logistical convenience of the parties.
12. Needless to add that the settlement between the parties leading to the closure of all criminal proceedings by way of the present order will also in no way affect the property rights and other rights of the minor child *vis-à-vis* his father, as may be available under law, in any manner whatsoever.



13. Petition stands disposed-of.
14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 19, 2024

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