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

+ **CRL.M.C. 7385/2024**

VIKAS GARG & ANR.

.....Petitioners

Through: Mr. Rajinder Pal Singh, Mohit Bindra
and Mr. Sahil Goel, Advocates.

versus

THE STATE OF NCT OF DELHI AND ANR.Respondents

Through: Ms. Shubhi Gupta, APP for the State
with SI Mohit Kumar, P.S. KNK,
Marg.
Mr. Sumit Kumar and Mr. Abhishek
Mudgal, Advocates.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

18.09.2024

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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 mother-in-law of the complainant/respondent No.2, seek quashing of case FIR No. 110/2012 dated 17.03.2012 registered under sections 498-A/406 of the Indian Penal Code, 1860 ('IPC') at P.S.: K.N. Katju Marg, Delhi.

2. The petition is premised on Settlement/Agreement dated 10.05.2014; and Divorce Decree dated 02.07.2015, 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. Though the FIR named 03 accused persons, the court is informed that petitioner No.1's father, viz. Girdhari Lal Garg, has passed-away on 05.02.2024.
5. The parties have confirmed that no child was born from the wed-lock.
6. No appeal is stated to have been filed from the divorce decree.
7. Upon being queried, the petitioners and respondent No.2 state that since Settlement/Agreement dated 10.05.2014 was entered into a long time ago, they do not have a copy thereof. They submit however, that they have taken divorce by mutual consent *vide* judgment dated 02.07.2015 passed by the learned District Judge, Kurukshetra, Haryana in HMA Petition No. 405/2014, a copy whereof has been appended to the petition. They further submit that the fact that respondent No.2 has received the sum of Rs. 10 lacs as settlement of all her claims (past, present & future) against the petitioners is also recorded in the said judgement.
8. Learned counsel appearing for the petitioner has also shown to the court an original certified copy of judgment dated 02.07.2015 passed by the learned District Judge, Kurukshetra, Haryana as also the statements made by the parties in those proceedings.
9. Ms. Shubhi Gupta, learned APP confirms that the State has no objection to the subject FIR being quashed.
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. 110/2012 dated 17.03.2012 registered under sections 498-A/406 IPC at P.S.: K.N. Katju Marg, Delhi is quashed. All proceedings arising therefrom also stand closed.
12. Petition stands disposed-of.
13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 18, 2024

V.Rawat