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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 7480/2024**
SUNNY GOUR & ORS.Petitioners

Through: Ms. Rosemary Raju, Advocate.

versus

STATE OF NCT OF DELHI & ANR.Respondents
Through: Ms. Shubhi Gupta, APP for the State
with SI Yashpal Singh, CWC Nanak
Pura, New Delhi.
Ms. Francesca Kapur, Advocate with
Ms. Ratna Gaur.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER
23.09.2024

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CRL.M.A. 28556/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 7480/2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners seek quashing of case FIR No. 16/2018 dated 07.03.2018 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Crime (Women) Cell Nanak Pura, Delhi.

2. The petition is premised on Settlement Deed/MOU dated 20.07.2023; and Divorce Decree dated 22.03.2024, 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 IDs.
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. Samaira, was born from the wedlock, who is minor as of date. A fairly detailed arrangement as to custody and visitation rights of the minor child, as well as relating to the upbringing of the child have been agreed to between the parties, which they undertake to abide by.
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 deed has been entered into between the parties. Respondent No. 2 confirms that all aspects of the disputes between the parties stand resolved.
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. 16/2018 dated 07.03.2018 registered under sections 498-A/406/34 IPC at P.S.: Crime (Women) Cell Nanak Pura, Delhi is quashed. All proceedings arising therefrom also stand closed.
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. Samaira *vis-à-vis* her 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 23, 2024/ak