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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 7612/2024**
SAURABH BIRLA & ORS.Petitioners
Through: Mr. Ramit Malhotra, Advocate.
versus
STATE NCT OF DELHI & ANR.Respondents
Through: Ms. Hitesh Vali, APP for the State
with SI Neeraj, P.S.: Subhash Place,
Delhi.
Mr. Prince Arora, Mr. Sanchit Arora
and Mr. Deepak Sharma, Advocates
with R-2 in-person.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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25.09.2024

CRL.M.A. 29045/2024 & CRL.M.A. 29046/2024 (exemptions)

Exemptions granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The applications stand disposed of.

CRL.M.C. 7612/2024

By way of the present petition filed under section 528 of Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners seek quashing of case FIR No. 367/2019 dated 13.10.2019 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Subhash Place, Delhi.

2. The petition is premised on Memorandum of Understanding/ Settlement Deed dated 19.04.2022 and Divorce Decree dated 06.10.2022, 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. Petitioners Nos. 1 to 3 have joined *via* video-conferencing since they are ordinarily the residents of Mumbai. Respondent No.2 is present in court. Their credentials have been verified and they have also been identified by their respective counsel.
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. The court has queried Ms. Meenakshi Bhala, 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; 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. 40,00,000 /-from petitioner No. 1; out of which Rs. 25,00,000 /- was paid earlier and Rs. 15,00,000/- has been paid in court today, in compliance of the terms of the settlement deed. Respondent No. 2 confirms that all aspects of the settlement have now been performed.
8. Furthermore, as pointed-out by learned counsel for the petitioner, the parties have also undertaken to withdraw the contempt petitions filed by them against each other, as has been narrated in para 6 of the present petition. Both petitioner No.1 and respondent No.2 state that they are bound by their undertaking and that they would ensure that



the contempt petitions filed by them will be withdrawn within 02 weeks from today. Their statements are taken on record.

9. Ms. Hitesh Vali, 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. 367/2019 dated 13.10.2019 registered under sections 498-A/406/34 IPC at P.S.: Subhash Place, 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 25, 2024/ak