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

+ **CRL.M.C. 7627/2024**

VINAY & ORS

.....Petitioners

Through: Mr. Dinesh Kr. Tiwari, Mr. Firoj Khan, Mr. Harish Sharma and Mr. Manoj Sharma, Advocates.

versus

STATE OF N.C.T. OF DELHI THROUGH, SHO OF PS-SAMAYPUR BADLI & ANR.

.....Respondents

Through: Mr. Hitesh Vats, APP for the State with SI Nitesh M., P.S.: SP Badli.
Mr. Rahul, Ms. Shaini, Mr. Manish Panchal and Mr. Vinod Fulara, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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26.09.2024

CRL.M.A. 29106/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 7627/2024

By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973, the petitioners seek quashing of case FIR No. 231/2022 dated 28.02.2022 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Samaipur Badli, Delhi. Consequent upon completion of investigation, allegations under sections 354/509 IPC were added *vide* chargesheet dated 14.05.2022.



2. The petition is premised on Mediated Settlement dated 29.03.2023 arrived at through mediation before the Delhi Mediation Centre, Rohini District Courts, Delhi; and Divorce Decree dated 24.08.2023, 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 the Investigating Officer.
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 respondent No. 2, who confirms that she has taken divorce by mutual consent; and that a mediated 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. 2,80,000/-from petitioner No. 1; out of which Rs. 1,80,000 /- was paid earlier and Rs.1,00,000/- has been paid in court today, in compliance of the terms of the mediated settlement. Respondent No. 2 confirms that all aspects of the settlement have now been performed.
8. Mr. Hitesh Vats, 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. 231/2022 dated 28.02.2022 sections 498-A/406/34 IPC at P.S.: Samaipur Badli, Delhi is quashed. All proceedings arising therefrom also stand closed.
11. Petition stands disposed-of.
12. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 26, 2024/ak