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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 7650/2024 & CRL.M.A. 29167/2024**
ASHISH @ SONUPetitioner
Through: **Mr. Sandiv Kalia, Advocate**
alongwith petitioner.

versus

STATE (GOVT OF NCT OF DELHI) AND ANR.Respondents
Through: **Mr. Hitesh Vali, APP for the State.**
SI Nitesh Sharma, DIU/South and SI
Akansha Choudhary, P.S. Fatehpur
Beri.
R-2/complainant in-person.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

% **ORDER**
28.11.2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks quashing of case FIR No.153/2022 dated 11.04.2022 registered under sections 376/328/506 of the Indian Penal Code, 1860 ('IPC') at P.S.: Fatehpur Beri, Delhi.

2. The petition is premised on Judgment of Divorce dated 19.10.2024 passed by the learned Family Court, Saket, New Delhi in HMA No.1806/2024, 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 petitioner is presently working with Indian Air Force and respondent No.2 is working with the Delhi Police. The court is



informed that both parties have subsequently got re-married to different persons.

4. Though the MoU/Settlement Agreement dated 29.01.2024 referred-to in the judgment of divorce has not been placed on record, both parties have confirmed that they have signed that MoU/Settlement Agreement.
5. The petition is also supported by affidavits of the petitioner and of respondent No.2, alongwith proof of their IDs.
6. The petitioner 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.
7. The parties have confirmed that no child was born from the wed-lock.
8. No appeal is stated to have been filed from the judgment of divorce.
9. The court has queried respondent No.2, who confirms that she has taken divorce by mutual consent; and that a settlement has been entered into between the parties. Respondent No. 2 confirms that all aspects of the settlement have now been performed.
10. Mr. Hitesh Vali, learned APP confirms that the State has no objection to the subject FIR being quashed.
11. 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.

12. Accordingly, case FIR No.153/2022 dated 11.04.2022 registered under sections 376/328/506 of the IPC at P.S.: Fatehpur Beri, Delhi is quashed. All proceedings arising therefrom also stand closed.
13. Petition stands disposed-of.
14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

NOVEMBER 28, 2024

V.Rawat