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

+ **CRL.M.C. 7701/2024**

VINAY KUMAR & ORS.

.....Petitioners

Through: Mr. J.K. Nayyar, Advocate with
petitioners in-person.

versus

STATE OF NCT DELHI & ANR.

.....Respondents

Through: Mr. Hitesh Vali, APP for the State.
R-2 in-person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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27.09.2024

CRL.M.A. 29376/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 7701/2024

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. 460/2020 dated 12.09.2020 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 at P.S.: Geeta Colony, Delhi.

2. The petition is premised on Memorandum of Understanding dated 08.11.2023; and Divorce Decree dated 04.09.2024, 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 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 memorandum of understanding 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.6,00,000/- from petitioner No. 1; which has been paid in compliance of the terms of the memorandum of understanding. Respondent No. 2 confirms that all aspects of the settlement have now been performed.
8. Mr. Hitesh Vali, 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. 460/2020 dated 12.09.2020 registered under sections 498-A/406/34 IPC at P.S.: Geeta Colony, 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 27, 2024/ak